

development projects, and give zoning preferences to mixed-use sites which include housing near appropriate Metrorail stations; and

- (d) Continue to rehabilitate and improve the District's publicly owned housing for the elderly units.

### 305 HOUSING LINKAGE

305.1 The housing linkage objective is to require applicants who obtain bonus commercial office space as a result of a discretionary and otherwise appropriate street or alley closing or zoning density increase to produce housing or contribute funds to the production of housing, particularly housing that is affordable to low- and moderate-income households throughout the District, in an amount based on a formula tied to the amount or value of the additional commercial office square footage obtained.

305.2 In establishing the housing linkage objective, the District sets forth the following purposes:

- (a) To encourage the construction and rehabilitation of housing throughout the District of Columbia, particularly housing that is affordable to low- and moderate-income households;
- (b) To reduce a shortage of affordable housing in the District which has been caused in part by increased demand for this housing from employees of new commercial development who compete with present residents for scarce, vacant affordable housing, and by high land values which raise the cost of housing and which are partly a function of the demand for additional commercial office space in the National Capital; and
- (c) To increase the income tax base and labor force in the District by providing a mechanism to stimulate the development and expansion of housing for employees in the District who cannot afford to reside in the District.

305.3 The policies established in support of the housing linkage objective are as follows:

- (a) Except as provided in §305.11 of this section, whenever the Council approves a discretionary and otherwise appropriate street or alley closing which results in the provision of additional commercial office space, or whenever the Zoning Commission approves a discretionary and otherwise appropriate zoning density increase which results in the provision of additional commercial office space, the applicant who obtains the additional commercial office space shall be required to comply with the following housing requirement:

- (1) The applicant shall construct or rehabilitate housing that is affordable to low- and moderate-income households in the District, the minimum amount of which shall be calculated by the formula set forth in §305.3(b) of this section, which shall be dedicated to use for affordable housing for no fewer than twenty (20) years, and which shall be developed in accordance with the schedule set forth in §305.13 of this section; or
  - (2) The applicant shall contribute funds, the minimum amount of which shall be calculated by the formula set forth in §305.6 of this section, to a housing trust fund in accordance with the schedule set forth in §305.13 of this section;
- (b) Except as provided in §305.4, if the applicant agrees to construct or rehabilitate the affordable housing, then the total square footage of the affordable housing that the applicant shall be required to construct or rehabilitate shall be as follows:
- (1) Not less than one-fourth ( $1/4$ ) of the total square footage of the additional commercial office space, if the required affordable housing is located on or adjacent to the site of the additional commercial office space;
  - (2) Not less than one-third ( $1/3$ ) of the total square footage of the additional commercial office space, if the required affordable housing is located off or not adjacent to the site of the additional commercial office space, and if the housing is located within the advisory neighborhood commission area where the additional commercial office space is located or within an area designated on an enacted land use map of the Comprehensive Plan as a housing opportunity area; or
  - (3) Not less than one-half ( $1/2$ ) of the total square footage of the additional commercial office space, if the required affordable housing is located in any other area of the District.

305.4 If the additional commercial office space is located on a development site that is improved with one (1) or more housing units that are removed, either after the application or within one (1) year prior to the application to facilitate the commercial development, the total square footage of the required affordable housing shall be not less than the total square footage of the removed housing plus the square footage of housing required by §305.3(b).

305.5 If the applicant agrees to construct or rehabilitate affordable housing pursuant to §305.3(a), the applicant may satisfy this agreement in any manner chosen by the applicant, including but not limited to a joint venture, partnership, contract, or arrangement with another party to develop the required housing.

305.6 Except as provided in §305.7, if the applicant agrees to contribute funds to a housing trust fund, the amount of funds to be contributed shall be no less than the total of one-half ( $1/2$ ) of the assessed value of the total square footage of additional commercial office space.

- 305.7 If the applicant agrees to contribute funds to a housing trust fund, and if the additional commercial office space is located on a development site that is improved with one (1) or more housing units that are removed, either after the application or within one (1) year prior to the application to facilitate the commercial development, the amount of funds to be contributed shall be no less than the total of the assessed value of the housing units that are removed plus one-half ( $\frac{1}{2}$ ) of the assessed value of the total square footage of additional commercial office space.
- 305.8 Nothing in this section shall require the Zoning Commission to grant or deny an application for a zoning density increase.
- 305.9 Nothing in this section shall supplant any requirement of the Zoning Regulations.
- 305.10 Nothing in this section shall obviate the requirement that zoning shall not be inconsistent with the Comprehensive Plan. However, the Zoning Commission and the Mayor's Office of Planning each shall consider an applicant's compliance with the requirements of this section as supportive of the Comprehensive Plan and as providing public amenities associated with an applicant's project.
- 305.11 The provisions of this section shall not apply to the following applicants:
- (a) An applicant who obtains a street or alley closing or a zoning density increase for a development that includes, on or adjacent to the site of the development, an amount of housing that is equal to the amount that would be calculated pursuant to the formula set forth in §305.3(b)(3);
  - (b) An applicant whose development obtains no additional commercial office space as a result of obtaining a street or alley closing or a zoning density increase;
  - (c) An applicant for a street or alley closing or a zoning density increase who represents a federal government agency, the Washington Metropolitan Area Transit Authority, or the Pennsylvania Avenue Development Corporation;
  - (d) An applicant who obtains additional commercial office space pursuant to the variance provisions of the Zoning Regulations;
  - (e) An applicant whose approved street or alley closing was decided by the Council, or whose approved zoning density increase was decided by the Zoning Commission, prior to October 6, 1994;
  - (f) An applicant who obtains a zoning density increase for a development that already is subject to a housing, retail, arts, or historic preservation requirement pursuant to the zoning regulations set forth in the Downtown Development District; or

(g) An applicant who obtains a street or alley closing or a zoning density increase for a development about which the Council, in its legislation that approves of the street or alley closing, or the Zoning Commission, in its order that approves of the zoning density increase, makes all of the following findings after a public hearing, for which prior notice of a request for this exemption was provided to each affected Advisory Neighborhood Commission and in the District of Columbia Register, and during which the burden of proof is upon the applicant to justify granting this exemption:

- (1) The development associated with the street or alley closing or zoning density increase is located within an area designated in the text or map of the Comprehensive Plan as a development opportunity area, a production and technical employment area, or a new or upgraded commercial center; and
- (2) Imposition of no housing requirement or a housing requirement that is less stringent than the requirement imposed by this section is necessary to implement objectives and policies set forth in this Plan for that designated area, which otherwise would likely not be achieved.

305.12 An applicant who obtains a street or alley closing or a zoning density increase who is required to construct or rehabilitate affordable housing pursuant to this section shall not be issued a building permit for the applicant's commercial development until the applicant certifies to the District either that a building permit has been issued for the required amount of affordable housing, or that the applicant has contributed sufficient funds to a housing provider to construct or rehabilitate the required amount of affordable housing.

305.13 An applicant who obtains a street or alley closing or a zoning density increase who is required to contribute funds to a housing trust fund pursuant to this section shall proceed in accordance with the following schedule:

- (a) Not less than one-half ( $\frac{1}{2}$ ) of the required total contribution shall be made prior to the issuance of a building permit for any of the commercial development; and
- (b) The balance of the required total contribution shall be made prior to the issuance of a certificate of occupancy for any of the commercial development.

305.14 Prior to the issuance of a building permit or certificate of occupancy for the commercial development, whichever is applicable, the applicant shall certify to the District that the provisions of this section have been satisfied.

305.15 The Zoning Commission and all other agencies that have authority to adopt regulations to implement the housing linkage policies shall adopt regulations to implement the provisions of this section.

**306 PUBLIC ACTION**

306.1 The objectives for public action are to provide regulatory, enforcement, and financial programs to protect, maintain, and enhance the District's housing supply and to strengthen private and public neighborhood services and facilities to support the District's housing programs.

306.2 The policies established in support of the public action objectives are as follows:

- (a) Expand the use of the District's Housing Finance Agency to finance new construction and rehabilitation of rental and owner units including rehabilitation of boarded and substandard units in the rental stock;
- (b) Provide grant and loan programs to carry out District housing policies and expand subsidies for rental housing in connection with rehabilitation efforts;
- (c) Develop additional public programs to support the construction, preservation, and maintenance of rental housing and examine the utility of specific tax incentives or other forms of financial relief to property owners who retain and repair existing buildings as rental housing;
- (d) Maintain flexibility in the use of government regulatory powers to protect the homes of District residents and undertake systematic analyses and assessments to ensure that the District's housing objectives and intervention policies are meeting the needs of the community and that the equitable implementation of these strategies serves the needs of participants in the housing development process;
- (e) Improve the enforcement of housing codes to prevent deteriorated, unsafe, and unhealthy conditions; designate for priority attention geographic areas with high incidence of code problems; provide adequate staff to carry out enforcement; identify resources to help bring housing code violations into compliance in order to help prevent displacement whenever possible; and identify alternative housing resources to accommodate households displaced by major code enforcement programs;
- (f) Promote home maintenance and improvement among low- and moderate-income homeowners and renters of single-unit housing to enable them to keep their units up to code standard (A comprehensive program for homeowners should include identification of deficiencies, counseling and technical assistance, low- interest long-term loans, and reverse equity mortgages and tax incentives. For renters of single-unit houses, offer well-publicized maintenance training programs at the neighborhood level, including counseling, technical assistance, and information on techniques to conserve energy.);

- (g) Work to achieve an adequate supply of suitable housing to meet the needs of elderly residents, continue the tenancy of elderly residents at affordable rates, and include protection of tenancies of elderly residents under laws designed to achieve these ends;
- (h) Consider permitting the development of accessory apartment units in single-family housing in all residential districts where they are not currently permitted for single, elderly persons in need of housing, and ensure that the housing standards are met in the development of accessory apartment units;
- (i) Use Planned Unit Developments R-5-A, and similar provisions of the Zoning Regulations of the District of Columbia to encourage the construction or rehabilitation of additional single and multi-family housing at suitable locations;
- (j) Provide suitable public facilities in neighborhoods targeted for large-scale housing construction or housing rehabilitation;
- (k) Encourage the development of appropriate neighborhood commercial support facilities in conjunction with neighborhood housing programs;
- (l) Reexamine pension laws that place prohibitions on the use of the public pension funds for any form of real estate investments in the region, and evaluate the feasibility of using these funds to advance the District's housing rehabilitation objectives;
- (m) Support the creation of voluntary neighborhood and District-wide housing improvement efforts including energy conservation to assist low and moderate income and elderly householders in the maintenance and improvement of their premises and neighborhoods;
- (n) Seek to direct government housing programs to areas of greatest need;
- (o) Provide for the use of tax and financing incentives where appropriate to assist in achieving the objectives of the Housing Element;
- (p) Control the conversion of residential housing to non-residential and transient use;
- (q) Work to achieve an adequate supply of child care facilities by allowing the establishment of new or the expansion of existing child care facilities in residential and mixed use areas;
- (r) Provide for expedited permit and approval processes for construction and rehabilitation of single-family and multi-family housing accommodations of four (4) or fewer units; and

- (s) Amend the Zoning Regulations to require the production or contribution to the production of affordable housing for low- and moderate-income persons throughout the District of Columbia when additional commercial office space is obtained from discretionary and otherwise appropriate zoning density increases.

### 399 DEFINITIONS

- 399.1 The provisions of §199 of chapter 1 of this title and the definitions set forth in that section shall be incorporated by reference in this section. In addition the following terms and phrases have the meaning ascribed:

Additional commercial office space - the extra square footage of commercial office space available to an applicant as a result of obtaining a street or alley closing or a zoning density increase.

Affordable housing - housing for low- and moderate-income households, with annual costs which do not exceed thirty percent (30%) of the maximum moderate income amount.

Assessed value - the fair market value of property as determined by the property tax assessment records of the Department of Finance and Revenue, at the time of application for a street or alley closing or a zoning density increase.

Assessed value of each square foot of additional commercial office space - the result reached by dividing the assessed value per square foot of land that comprises the development site by the maximum permitted commercial FAR before the zoning density increase.

Construction - the building of new housing for sale or rental in the District, the average square footage of which is not less than eight hundred fifty square feet (850 ft.<sup>2</sup>) per unit except, in the case of single room occupancy housing, the average square footage requirement may be less than eight hundred fifty square feet (850 ft.<sup>2</sup>).

Development site - the total square footage of land on lots associated with an applicant's commercial project.

Floor area ratio or FAR - the figure of density defined in the Zoning Regulations (11 DCMR 199) that expresses the total gross floor area as a multiple of the area of a lot.

Housing - private or publicly assisted residential dwelling units but which excludes transient tourist-oriented accommodations such as hotels, motels, or inns.

Housing trust fund - either the fund established under §3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Code §45-3201), or an organization that qualifies as a nonprofit organization under §501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (68A Stat. 163; 26 U.S.C. §501(c)(3)), and that:

- (a) Exists primarily for the purpose of assisting in the production of affordable housing units;
- (b) Operates a trust fund that disburses money for affordable housing development;
- (c) Receives applications for funds directly from developers of affordable housing;
- (d) Has adopted criteria for selection of projects and allocation of funds among various types of affordable housing developments; and
- (e) Has been certified by the Director of the Department of Housing and Community Development as a qualifying nonprofit organization that also complies with subparagraphs (a) through (d) of this subparagraph, with notice of the certification having been published in the District of Columbia Register.

Low-income household - a household consisting of one (1) or more individuals, as certified by the Department of Housing and Community Development, with a total income equal to less than fifty percent (50%) of the Primary Metropolitan Statistical Area median.

Moderate-income household - a household consisting of one (1) or more individuals, as certified by the Department of Housing and Community Development, with a total income equal to between fifty percent (50%) and eighty percent (80%) of the Primary Metropolitan Statistical Area median.

Rehabilitation - the substantial renovation of housing for sale or rental in the District which is not habitable for dwelling purposes because it is in substantial violation of the Housing Regulations (14 DCMR).

Square foot or square footage - refers to a gross unit of measurement.

Zoning Commission - the Zoning Commission for the District of Columbia.

Zoning density increase - additional floor area ratio for commercial office use obtained by an applicant pursuant to the Zoning Regulations which is greater than the floor area ratio permitted as a matter-of-right under the Zoning Regulations, but which does not include increased floor area ratio that is obtained pursuant to the variance provisions of the Zoning Regulations or pursuant to an amendment of the Zoning Map.

Zoning Regulations - the regulations adopted by the Zoning Commission (11 DCMR) pursuant to the authority of the Zoning Act, approved June 20, 1938 (52 Stat. 797; D.C. Code §5-413 *et seq.*).



## CHAPTER 4 COMPREHENSIVE PLAN: ENVIRONMENTAL PROTECTION ELEMENT

Secs.	
400	Declaration of Major Policies
401	Environmental Protection Goal
402	Improving Water Quality
403	Improving Air Quality
404	Solid Waste Management
405	Protecting the Quality of the Land Areas
406	Environmental Health and Sanitation
407	Conserving Water
408	Conserving Energy
409	Food Production and Urban Gardens
410	Reducing the Impact of Aircraft Noise
411	Reducing the Impact of Electromagnetic Field Radiation
412	Public Action
499	Definitions

### 400 DECLARATION OF MAJOR POLICIES

- 400.1 Environmental concerns encompass the protection of the natural environment and the regulation of the human environment in ways that maintain and enhance the quality of life and the sense of well-being of the occupants of the District.
- 400.2 The Environmental Protection Element responds to urban growth, change, renewal, and the demands of the District's economic development and public facilities programs.
- 400.3 The District has made significant progress in dealing with the pollution of its environment.
- 400.4 The quality of the total environment depends on how environmental protection efforts are discharged and how they relate to other District activities and programs.
- (a) The future envisioned for the District is hospitable to positive growth and change in a protected and enhanced environment; and
  - (b) It is also vital that the cost of environmental protection programs be balanced against the benefits to be gained by their implementation.

### 401 ENVIRONMENTAL PROTECTION GOAL

- 401.1 It is the goal of the District to protect the environment, to resist threats to its overall quality, to act, to maintain and enhance its positive features in the interest of residents, workers, and visitors, and to protect residential communities from identified environmental hazards by implementing controls that prevent adverse impacts from incompatible uses.

- 401.2 The District supports the objectives of the companion Federal Environment Element and efforts to implement it.

**402 IMPROVING WATER QUALITY**

- 402.1 The objectives of improving water quality are to improve the quality of water in the rivers and streams of the District to meet public health and water quality standards, and to maintain physical, chemical, and biological integrity of these watercourses for multiple uses, including recreation.

- 402.2 The policies established in support of improving the water quality objectives are as follows:

- (a) Provide for adequate treatment of sewage through continuing efforts and substantial capital investments needed to ensure an adequate level of sewage treatment and to provide sufficient treatment capacity to serve future development needs and consumption patterns;
- (b) Minimize overflows of untreated sewage from the combined sewerage system;
- (c) Prevent further sedimentation of stream beds and valleys wherever possible;
- (d) Reduce water pollution resulting from point and non-point sources;
- (e) Implement all cost-effective means of reducing the volume of sewage requiring treatment;
- (f) Promote water conservation;
- (g) Protect and restore wetlands, develop recreational access to our waterways, and protect and expand the emerging fisheries resource; and
- (h) Initiate a program of testing for lead in each residential property and in any facility that provides water for drink or food preparation, and develop a program for the replacement of lead pipes.

**403 IMPROVING AIR QUALITY**

- 403.1 The objective of improving air quality is to improve the quality of air in the District and the region so as to meet public health and environmental standards.

- 403.2 The policies established in support of the improving air quality objective are as follows:

- (a) Maintain and enforce the air quality implementation programs of the District, which at least equal the National Ambient Air Quality Standards;
- (b) Strive for full regional acceptance and attainment of appropriate air quality standards;
- (c) Promote land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips. (Measures which reduce dependence on automobiles for a significant number of trips are essential to a reduction of regional air pollution. Clustering of residences, shopping, and work places where they can be served efficiently by Metrorail or frequent bus service promotes this essential independence.);
- (d) Evaluate potential air quality emissions related to new and expanded development in the District, including those needed to provide municipal services, such as water supply and treatment, to ensure that adequate controls are implemented for avoiding deterioration of air quality concentrations;
- (e) Develop and implement a radon testing program to be made available to each resident at a nominal fee;
- (f) Require standards for asbestos abatement work in the District, including licensing and inspection, to ensure adequate protection of the health and safety of asbestos abatement workers and commercial and residential occupants of buildings where asbestos abatement work is performed;
- (g) Promote the use of alternative fuels, carpooling, mass transportation, bicycles; and other means to reduce the use of automobiles and resulting air pollution; and
- (h) Upon evidence of an alleged violation of the national ambient air quality standards, the Department of Consumer and Regulatory Affairs ("DCRA") shall investigate within ten (10) days and, if DCRA finds a violation, shall issue and make available to the public within thirty (30) days a written report of its investigation of the violation which shall include documenting evidence and recommendations.

**404 SOLID WASTE MANAGEMENT**

- 404.1 The objective for solid waste management is to develop safe and effective methods for reducing, collecting, recycling, and disposing of solid waste and sewage sludge.
- 404.2 The policies established in support of the solid waste management objective are as follows:

- (a) Develop and implement a reliable program of solid waste and sludge management that is cost-effective, environmentally sound, and fully coordinated with all responsible jurisdictions and regulatory bodies;
- (b) Ensure reliable, adequate refuse collection from residences, business establishments, and other facilities;
- (c) Encourage the recovery and recycling of solid waste and sewage sludge materials, for both the public and private sectors, through appropriate regulatory, management, and marketing strategies;
- (d) Promote the development of cost-effective and environmentally sound techniques to extract energy from wastes, including sludge; and
- (e) Develop an effective public education program to encourage residents and businesses to reduce litter and promote recycling.

404.3 The Department of Public Works shall enforce adopted noise regulations pertaining to the operation of solid waste hauling equipment in or near residential neighborhoods by limiting vehicular operating permits to the restricted hours and locations set forth in the regulations.

404.4 Prohibit the siting of Solid Waste/Trash Transfer Stations in, adjacent to, or near (within 500 feet) of any other use. All such facilities should possess valid (permanent) Certificates of Occupancy and any other necessary operating permits.

#### **405 PROTECTING THE QUALITY OF THE LAND AREAS**

405.1 The objective for protecting the quality of the land areas is to protect the overall environmental quality of the District's land areas by preventing further soil erosion, promoting the restoration of eroded areas, and enforcing prohibitions against illegal dumping and other destructive practices.

405.2 The policies established in support of the protecting the quality of the land areas objective are as follows:

- (a) Regulate land development activities to protect natural features, prevent further soil erosion, and prohibit construction practices which produce unstable soil and hillside conditions;
- (b) Maintain public space in a manner that prevents soil erosion;
- (c) Ensure that public construction activities do not result in the loss of natural features or in soil erosion and unstable hillside conditions;

- (d) Exercise special care for fragile natural features, particularly the Anacostia River wetlands, and execute corrective action to combat erosion of stream banks and to prevent ponding, siltation, and accumulation of debris;
- (e) Maintain street trees, promptly replace trees that have died or been destroyed, and encourage community groups and individual residents to assist the program of protecting and maintaining street trees;
- (f) Ensure public access to waterfront areas and protect and enhance their aesthetic and recreational qualities;
- (g) Enforce the prohibition against illegal dumping and littering and ensure that vacant lots and abandoned buildings are maintained free from debris through adequate funding of regulatory programs and public education campaigns;
- (h) Encourage the planting and retention of private trees through planning, zoning, building regulation; and any discretionary governmental action, and ensure the prompt removal of dying trees (or diseased portions thereof); and
- (i) Encourage flexibility by District government officials in the standards required for street/gutter/curb/sidewalk improvements. The flexibility should meet the need for the improvements while respecting the environment (as opposed to inflexibility that only meets the standards without regard to environmental effects).

#### 406 ENVIRONMENTAL HEALTH AND SANITATION

- 406.1 The environmental health and sanitation objective is to promote public health and sanitation through the enactment and enforcement of regulations regarding food storage and handling, rodent control, elimination of rubbish pileups on vacant property; transport and disposal of harmful biological, chemical, and radioactive materials; and noise abatement.
- 406.2 The policies established in support of the environmental health and sanitation objective are as follows:
- (a) Provide an adequate regulatory and enforcement program for food handling and storage by maintaining a strong District program of restaurant and food service inspection to protect the public health, with exceptions through special regulations for cottage (home-based) businesses such as catering; Provided, that the businesses meet the requirements and regulations for home office occupations;

- (b) Continue and strengthen the successful "War on Rats" program of corrective actions and public education, adequate trash and refuse collection services, enforcement of anti-littering regulations, and encourage private businesses to keep adjacent public space clean and to provide trash receptacles;
- (c) Develop, implement, and maintain programs to manage the use, handling, transportation, storage and disposal of harmful chemical, biological, and radioactive materials (hospital wastes, radioactive materials used in research and medical treatment, hazardous organic and inorganic chemicals are of special concern) including expanded enforcement of local regulations and the establishment of a training program on the handling of hazardous materials and on emergency planning;
- (d) Strengthen and enforce the noise control laws, including those regulating motor vehicle and public assembly noise, and inform citizens of their rights to file complaints against violators of these laws;
- (e) Develop a program to safely collect and dispose of household hazardous wastes, including batteries, paints, household cleaners, and other harmful wastes generated by residential properties; and
- (f) Provide an adequate regulatory and enforcement program to minimize perpetual sources of noise, whether at or above ground level, and to require that sound barriers, especially on roofs, should be placed between sources of noise and people living or working in nearby buildings.

#### 407 CONSERVING WATER

407.1 The conserving water objective is to promote water conservation in order to ensure adequate supplies of potable water at all times and reduce water and sewage treatment costs and effluent discharges to the rivers.

407.2 The policies established in support of the conserving water objective are as follows:

- (a) Practice water conservation in all District government facilities and operations and promote conservation by businesses, the federal government, and the general public;
- (b) Eliminate leakage in the water distribution system and maintain that system in good order; and
- (c) Require that new construction or substantial repair of residential or commercial kitchen, bathroom, and laundry facilities include plumbing fixtures which conserve water as part of the new construction or renovation.

**408 CONSERVING ENERGY**

408.1 The conserving energy objective is to promote efforts to achieve and maintain efficient use of energy, sufficient energy supplies, and the maximum use possible of plentiful energy sources.

408.2 The policies established in support of the general conserving energy objective are as follows:

- (a) Promote efficient use and management of nonrenewable energy resources through a series of incentives, initiatives, and mandates;
- (b) Foster the development of alternative energy resources and systems that will reduce the dependence on imported energy, provide opportunities for economic and community development, and benefit the quality of the environment;
- (c) Develop and sustain a cooperative process in which energy consumers, energy providers, and the government will continue to plan and execute actions designed to achieve a secure and affordable energy future;
- (d) Minimize the possibility of energy shortages and resulting hardships; and
- (e) Reduce the impact of rising energy costs on those members of the community least able to afford them.

408.3 The policies established for land use and zoning in support of the conserving energy objective are as follows:

- (a) Review and amend building codes and zoning ordinances where appropriate so they do not inadvertently act as barriers to the installation and application of energy efficiency and solar and renewable resource measures;
- (b) Develop an appropriate mix of economic incentives to encourage the use of energy efficiency and renewable energy techniques in the private sector. Regulatory techniques for achieving energy efficient land use development should be balanced with a program of incentives;
- (c) Include energy efficiency consideration and solar and renewable alternate energy concepts in appropriate zoning, land use, and building regulatory processes. Building and site designs should be consistent with energy efficiency considerations;

- (d) Provide the District's planners, architects, and engineers with the necessary training to incorporate energy efficiency and solar and renewable energy concepts into their work. Planners, architects, and engineers with the responsibility for enforcing the land development regulations should be trained in the principles and practices of energy applications to integrate energy considerations with the land development processes so that future building construction will incorporate energy efficient design techniques; and
- (e) Recognize the importance of the building height limitation to solar energy development.

#### **409 FOOD PRODUCTION AND URBAN GARDENS**

409.1 The food production and urban gardens objective is to improve the quality of life of the citizens of the District by encouraging the cultivation of produce gardens on public and private land.

409.2 The policies established in support of the food production and urban gardens objective are as follows:

- (a) Encourage citizens to plant backyard gardens;
- (b) Encourage citizens to cultivate community gardens and encourage and allow rooftop gardens, where feasible;
- (c) Inventory publicly and privately owned tracts of land that are suitable for cultivation and, after a site assessment, make suitable land available to citizens;
- (d) Encourage the development of a series of food buying clubs to encourage residents to shop wisely and select nutritious foods;
- (e) Enhance the capability of the Cooperative Extension Service of the University of the District of Columbia to provide technical assistance and research in the form of educational materials and programs for citizen gardening efforts;
- (f) Enhance the capability of private nonprofit community gardening organizations to provide technical assistance in the organization and development of community gardens;
- (g) Encourage the Board of Education to make appropriate portions of buildings and grounds available for community gardens, and to use buildings and grounds for instructional programs in science and gardening classes that prepare students for agriculture-related businesses, such as landscaping and restaurant produce supply and, therefore, lessen unemployment;



- (h) Encourage summer employment programs operated by the District government to participate in community gardening;
- (i) Mobilize private sector and foundation support for community gardening projects; and
- (j) Encourage the creation and maintenance of produce markets in all quadrants of the District to provide outlets for community gardens and other producers.

#### **410 REDUCING THE IMPACT OF AIRCRAFT NOISE**

410.1 The reduction of the impact of aircraft noise objective is to promote interior noise level reductions in areas affected by high aircraft noise with measurements of sixty-five (65) Day-Night Average Sound Level (Ldn) or higher.

410.2 The policies established in support of the reduction of the impact of aircraft noise objective are as follows:

- (a) Support modification of the zoning regulations and maps to provide support for the establishment of the Washington National Airport Noise Impact Area ("Noise Impact Area"), which shall include all land within the District that falls within the sixty-five (65) Ldn and higher noise contours, upon being mapped for the Washington National Airport Master Plan by the Metropolitan Washington Airports Authority and approved by the Federal Aviation Administration. Only new construction within the Noise Impact Area shall be required to comply with interior noise level reduction standards set forth in the Federal Aviation Administration's Advisory Circular Number 150-5020-1, issued on August 5, 1983, entitled "Noise Control and Compatibility Planning for Airports." The development of interior noise level reduction standards shall be coordinated with appropriate District government agencies; and
- (b) Support modification of the Construction Codes to provide for interior noise level reduction requirements for new construction within the Washington National Airport Noise Impact Area as may be mapped by the Zoning Commission. The interior noise level reduction standards for new construction within the Noise Impact Area shall be based on the Federal Aviation Administration's Advisory Circular Number 150-5020-1, issued on August 5, 1983, entitled "Noise Control and Compatibility Planning for Airports."

#### **411 REDUCING THE IMPACT OF ELECTROMAGNETIC FIELD RADIATION**

411.1 It is reasonable to conclude that reducing exposure to electromagnetic fields (EMF) at all points on the spectrum increases public safety. Doing nothing while waiting for

conclusive evidence about human health effects is not a reasonable response to the potential risks associated with EMFs.

411.2 The policies established in support of reducing the impact of electromagnetic field radiation are as follows:

- (a) The District government officials must incorporate prudent avoidance in decisions regarding the approval, location and routing, and intensity of electromagnetic field (EMF) generating facilities such as generators, power lines, and antennas; and
- (b) Facilities should be located only when and where necessary based on the local service needs of property owners, and facilities should be designed using methods to mitigate, to the greatest extent practicable, involuntary exposures to the public and adverse effects on park land, public space, and private property.

## 412 PUBLIC ACTION

412.1 The public action objectives are to provide for adequate funding and coordination of environmental protection activities and to properly consider and coordinate the environmental implications of public actions.

412.2 The policies established in support of the public action objectives are as follows:

- (a) Provide for public education and the enforcement of statutory requirements relating to littering, noise control, and similar matters affecting the public. A program of intensive enforcement is needed to create greater public acceptance and compliance with environmental regulations;
- (b) Provide adequate resources for enforcement programs relating to food handling, rodent control, hazardous materials handling and disposal, noise control, soil erosion control, and other environmental health and safety concerns;
- (c) Provide procedures to assess the environmental implication of major development projects, including public utility and regional projects that affect the District, in a coordinated manner in accordance with the Large Tract Review Procedures of the Office of Planning, effective December 12, 1986 (10 DCMR §2300 *et seq.*). The program of environmental assessments should be designed to ensure the inclusion of pertinent major information about the environment in the coordinated review of development proposals required by the Plan;
- (d) Develop a coordinated environmental protection program for water and air quality improvement and other matters of environmental concern with affected jurisdictions through appropriate regional organizations and entities;

- (e) Continue to provide direct financial assistance to households, recognizing that persons with low and fixed incomes often pay a disproportionate share of their income for energy and recognizing that government and utility-sponsored assistance programs provide a valuable service;
- (f) Expand energy-related technical assistance programs;
- (g) Establish a coordinated energy financing program;
- (h) Establish a thorough energy management program for all District government agencies. This program should address facilities energy management, vehicle fleet management, life-cycle costing for the procurement of goods and services, and employee awareness. Central to this program should be the policy that each agency is responsible for its energy consumption and costs. These efforts should be supported by necessary training and technical assistance to the agencies;
- (i) Continue efforts that enable public and private schools and hospitals in the District to undertake energy audits, technical analyses, and the installation of energy conservation measures;
- (j) Continue to support an expanded, fully-integrated bus and subway system and work with the other member jurisdictions of the Washington Metropolitan Area Transit Authority to ensure that the Metrorail system is constructed as planned and that the Metrorail and bus systems are integrated to provide consistent and reliable service throughout the National Capital region;
- (k) Continue to support transportation alternatives to the one-person automobile (Car pools, van pools, bicycles, commuter bus service, and jitney bus services will provide viable means for the movement of people.);
- (l) Continue the efforts to improve the traffic signalization system;
- (m) Promote citizen awareness concerning energy issues, provide a foundation for new initiatives, and provide a framework which encourages neighborhood-based educational and demonstration initiatives;
- (n) Develop and sustain an expanded community energy information service within the District government that provides consumers with needed objective and credible information related to energy techniques and products. Several education and information programs are operated by the private sector, public interest groups, the utilities, and the District government. These programs need to be coordinated in order to ensure that up-to-date, thorough information is accessible to the community in an efficient and effective manner;

- (o) Provide technical assistance in the development of a program of demonstration workshops, conferences, and information seminars. Available technical resources within the public and private sectors should be coordinated and made available to community organizations, the school system, and other organizations;
- (p) Develop and maintain an on-going energy data program and establish a processing and reporting system for use by both public and private sector. The establishment of this data program will provide a central repository and clearinghouse for District energy supply information and consumption data, cost data, projections, and forecasts. It will assist in supporting the analysis of energy programs and decisions and will provide a monitoring and alert system for District officials and citizens in the event of energy-related emergencies;
- (q) Encourage the use of energy efficiency techniques, load management techniques, and solar-energy and alternative-energy technologies to replace the need for additional fossil fuel-based generation and distribution facilities;
- (r) Continue to explore proposing to the Public Service Commission rate structure changes which encourage the efficient use of energy resources. The rates at which energy services are provided affect not only how that energy is used, but also the economic viability of alternative incentives to providing energy services. Use of economic incentives and disincentives should also govern the application of the rate charges to the various classes of utility ratepayers;
- (s) Develop or expand programs to increase public awareness and educate the youth from pre-school through high school about the importance of respecting and protecting the environment now and in the future;
- (t) Establish indoor air quality policies and programs for both the workplace and housing to ensure adequate radon testing and abatement procedures;
- (u) Upon receipt of an application for a building permit for any action subject to the environmental impact statement requirements of the District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 (D.C. Law 8-65; D.C. Code §6-981), the Mayor shall do the following
  - (1) Send the application to the appropriate agency for review to determine if there is a significant impact on the environment; and
  - (2) Simultaneous with sending the application to the appropriate agency, the Mayor shall submit an application to an affected ANC and provide an affected ANC with not less than thirty (30) days to review the environmental analysis prior to a finding of impact or no impact.

- (v) Encourage the Metropolitan Washington Airports Authority to improve airport operations and reduce aircraft noise related to Washington National Airport, especially affecting neighborhoods along the Potomac and Anacostia Rivers; and
- (w) Encourage the federal government to reduce noise from the operation of helicopters operated by federal agencies, especially over residential areas along the Potomac and Anacostia Rivers and especially between the hours of 10:00 p.m. and 7:00 a.m.

412.3 The Department of Consumer and Regulatory Affairs shall enforce adopted regulations restricting the time of operation of construction equipment and other noise-generating construction activities in or near residential neighborhoods.

#### 499 DEFINITIONS

499.1 The provisions of §199 of chapter 1 of this title and the definitions set forth in that section shall be incorporated by reference in this section.

**CHAPTER 5 COMPREHENSIVE PLAN: TRANSPORTATION ELEMENT**

Secs.	
500	Declaration of Major Policies
501	Transportation Goal
502	Transportation: General
503	Use of Mass Transit
504	Private Passenger Automobiles
505	Streets and Alleys
506	Air Transportation
507	Waterfront Transportation
508	Intermodal Transportation Facilities
509	Public Action
599	Definitions

**500 DECLARATION OF MAJOR POLICIES**

- 500.1 The District's transportation network strives to meet the diverse needs of those who reside in, work in, or visit the District. It consists of a modern transit system with subway and bus service, a highway, street, and alley system, and special services for the elderly and handicapped to move people within the District and throughout the metropolitan area. The District's transportation network also includes transcontinental rail service provided by Amtrak, and commuter rail service operating from points in Maryland, Virginia, West Virginia, and Pennsylvania provided by Amtrak, Virginia Railway Express ("VRE"), and the Maryland Association of Rail Commuters ("MARC"). This service provides rail access to the District for visitors, workers, and freight. Finally, the District's air transportation network consists of three (3) major airports, all of which are connected to the District by highway, Metrorail, or Amtrak.
- 500.2 The basic philosophy of the Transportation Element is that by providing for the efficient movement of people and goods within the District and its metropolitan area, the District's transportation network can play a key role in the District's effort to maintain and enhance its function as the economic and cultural hub of the Washington Metropolitan Area. This service will be provided pursuant to all appropriate federal and local laws and regulations including the Clean Air Act Amendments of 1990 ("CAAA"), the Americans with Disabilities Act of 1990 ("ADA"), and the Intermodal Surface Transportation Efficiency Act of 1991 ("ISTEA").
- 500.3 Direct land uses for transportation include streets and alleys, maintenance yards, storage yards for stations, impoundment lots, fueling stations, office facilities, and equipment dispatch stations. In order to provide efficient service to the public and minimize equipment wear and operation costs, the District accepts the obligation to locate these facilities in areas which best serve all District residents and to design facilities to preserve the natural landscape and protect views.

- 500.4 Today the District has a transportation system that meets its needs generally. There are aspects of this system, however, that must be improved and enhanced in order to comply with CAAA, ADA, and ISTEA, as well as meet the mobility needs of the elderly and of school age children between school and after school programs. The District accepts its obligation to correct and improve those parts of the existing transportation system where the service does not measure up to acceptable standards and where congestion impairs the efficiency of the system. The District will also coordinate with the appropriate federal agencies in evaluating the feasibility of providing expanded or new rail service on old (abandoned) tracks.
- 500.5 The District will work aggressively to implement the state requirements for intermodal transportation planning and coordination that are contained in the federal ISTEA legislation. The District will also seek improvements in construction material standards for roadways and sidewalks, better design quality of landscaped areas, and amenities for the safety, comfort and enjoyment of pedestrians, including shared use of the roadways by bicyclists.
- 500.6 Transportation and land use decisions made by the State of Maryland and the Commonwealth of Virginia suburbs affect traffic congestion, parking supply, and air quality in the District. Maintenance needs for streets and highways are affected by heavy suburban-commuter traffic generated by the District's role as a major center of economic activity. The District is committed to finding regionally based solutions to these problems, including a shift in commuter emphasis from the private automobile to mass transit.
- 500.7 The transportation system of the District performs another important role beyond its basic task of moving people and goods. The role relates to the growth and development of the future District. The transportation system must respond to District plans for the future as expressed in the Plan and the detailed program and project plans made in accordance with it. The Transportation Element is an essential part of that planning process.
- 500.8 The District is committed to finding affirmative answers to many difficult questions about its future transportation system. The overall goal is to develop a transportation system that works well for District residents and others who use it, and one that responds positively to projected growth and development, in addition to satisfying other requirements such as health, safety, and welfare of its users.

## **501 TRANSPORTATION GOAL**

- 501.1 It is the goal of the District to provide appropriate, energy-efficient, cost-effective, and convenient public transportation services within the District and to work with neighboring jurisdictions throughout the Washington Metropolitan Area as a means of enhancing the functions and quality of life for those who live, work, and visit in the District.

**502      TRANSPORTATION: GENERAL**

502.1      The general objectives for transportation are to support District policy to preserve and improve neighborhoods, to facilitate the commerce of the District, and to support District growth and development objectives to expand business and job opportunities.

502.2      The policies established in support of the general transportation objectives are as follows:

- (a)      Support land use arrangements that simplify and economize transportation services, including mixed-use zones that permit the co-development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations;
- (b)      Continue the residential parking permit program in all residential areas affected by commercial and commuter parking;
- (c)      Stimulate shopping, restaurant, and other retail activities, encourage increased, adequate short-term, on- and off-street parking to meet current and expanded needs of increased retail development while reducing traffic congestion in designated locations, including the provision of increased weekend on-street parking spaces in areas such as loading zones and commercial building entrances in the Downtown retail area. (This can be done by working with the various retail business groups and affected residents in Downtown and other areas of the city to establish measures such as: merchant-financed park and shop programs; relaxed weekend parking restrictions at non-retail commercial building entrances; shared parking spaces in enclosed parking facilities for use on weekends; and new parking facilities at appropriate locations within designated retail areas, including revenue bond-financed municipal parking facilities funded by municipal parking revenues and special tax assessments on commercial properties within areas benefitting from the municipal parking.);
- (d)      Establish traffic management strategies to separate local traffic from through-traffic within residential neighborhoods, route through-traffic around identified neighborhood enclaves if possible, and complete segments of the highway and street system necessary for smooth traffic flow and the reduction of commuter traffic in residential neighborhoods;
- (e)      Require off-street loading of merchandise in commercial areas to the extent feasible, encourage existing establishments to provide off-street loading, and where off-street loading is not feasible, consider necessary restrictions on commercial loading or dedication of some public space to facilitate small package deliveries;
- (f)      Encourage the supply and management of public parking in commercial areas to afford priority to customers and others on business errands for available off-street



and curb parking spaces, and discourage the use of these spaces by all-day parkers, including establishment employees;

- (g) Enhance the efficiency of the transportation system and improve mobility for people and goods by planning and developing optimum connections between the various modes operating in this metropolitan area;
- (h) Establish transportation control measures and consider congestion strategies which will reduce traffic congestion and reduce emissions from motor vehicles but which will not impose an adverse fiscal burden on the District or reduce its competitiveness within the region;
- (i) Encourage major private sector employers to set up and operate transportation demand management ("TDM") programs that promote the use of alternatives to the single-occupant private automobile for work trips within, into, and out of the District. (Alternative TDM measures might include, but not be limited to, transit fare subsidies, preferential parking for carpools and vanpools, non-subsidized employee parking, flex-time hours of duty, and bicycle lockers and related shower facilities.);
- (j) Provide reverse commute options which will provide District residents with access to the regional job market that is essentially equal to that afforded to suburban residents commuting to the District; and
- (k) Study the feasibility of expanded or new rail operations on old or abandoned tracks.

### 503 USE OF MASS TRANSIT

503.1 The objectives for use of mass transit are to complete the one hundred three (103) mile adopted regional Metrorail system, promote the increased use of transit, and expand the provision of transportation services for elderly and handicapped persons within the District of Columbia.

503.2 The policies established in support of the use of mass transit objectives are as follows:

- (a) Support the completion of the last thirteen and five tenths of a mile (13.5) of the one hundred three (103) mile Metrorail system as rapidly as possible;
- (b) Spearhead a campaign to establish a regional tax to finance the expansion and rehabilitation of the Metrorail and Metrobus systems and the development of other alternatives to the single-passenger private automobile that move people and goods more efficiently throughout the District and the metropolitan area;

- (c) Promote the increased use of mass transit in the District and the region by encouraging the following programs:
- (1) The subsidization by merchants of transit trips for shoppers and employees;
  - (2) The provision of public transit incentives by developers and employers to employees, which may include shuttle buses to Metrorail stations and subsidized fare cards and flash passes;
  - (3) Establishment of educational programs to acquaint residents with the convenience of mass transit;
  - (4) Increased advertising of schedules and timetables; and
  - (5) Extension of mass transit service, including expansion of Metrorail parking facilities and extended Metrobus/Metrorail routes and hours of operation in response to increased patronage;
- (d) Revise the Metrobus routes within the District to effectively capitalize on the availability of Metrorail service and changes in residential and shopping patterns and relocate bus stops as required to promote service efficiency;
- (e) Supplement basic public transit services with shuttle and minibuses, and increase the effectiveness of mass transit service, particularly to support tourism and to provide service for transit-dependent groups, including the elderly, the handicapped, school age children, and residents of isolated areas;
- (f) Ensure that the construction of the Green Line (E and F) Metrorail Route is given priority and, pending completion of the Green Line (E and F) Metrorail Route, give priority to the transit needs of Anacostia, Congress Heights, and Columbia Heights;
- (g) Create policies to ensure that the following occurs:
- (1) Taxicab service in the District remains a safe, convenient, and well-functioning part of the District's transportation system;
  - (2) Adequate taxicab service is provided to all parts of the District in a nondiscriminatory fashion; and
  - (3) The security and service concerns of taxicab owners, drivers, and passengers are addressed in a fair, equitable, and timely manner;
- (h) Ensure that the remaining unbuilt Metrorail segments within the District of Columbia are built as rapidly as possible with minimum adverse impacts on the residences and businesses located along the construction corridors;

- (i) Create more direct connections between the various transit modes consistent with the federal requirement to plan and implement intermodal transportation systems; and
- (j) Expand the provision of transportation services for the elderly and the handicapped to include a contract for a core service provider for ADA-eligible trips within the District.

#### 504 PRIVATE PASSENGER AUTOMOBILES

504.1 The private passenger automobile objective is to reduce regional dependence on the private passenger automobile in order to improve air quality and reduce congestion.

504.2 The policies established in support of the private passenger automobile objective are as follows:

- (a) Support the District and regionally-approved state implementation programs for air quality improvement and ensure the management of proposed restrictions on automobile activity;
- (b) Provide for improved traffic flow through transportation system management initiatives; improve ride-sharing programs, including the use of car pooling and van pooling arrangements; maintain priorities for high-occupancy vehicles on key routes; and provide computerized signal systems capable of responding to management directions;
- (c) Promote the use of alternatives to the private-passenger automobile, including bicycling and walking, and provide additional pedestrian paths and bicycle routes and facilities;
- (d) Implement a technologically enhanced vehicle inspection and maintenance program and emphasize and ensure regional compliance with automobile emission requirements;
- (e) Improve taxi service in all areas of the District to provide links to Metrobus and Metrorail, bus, train, and air terminals and explore the use of innovative transit services on key routes, not only in rush-hour periods but also to serve the nonwork trip; and
- (f) Support the establishment or expansion of employer-sponsored transit ridership programs such as the federal Metro Pool program where, pursuant to federal legislation, public and private employers may subsidize employee travel by mass transit each month.

**505 STREETS AND ALLEYS**

505.1 The streets and alleys objective is to provide a system of streets and alleys to ensure access to all sections of the District.

505.2 The policies established in support of the streets and alleys objective are as follows:

- (a) Consider establishing streetscape standards and a program for the design, construction, and maintenance of streets and alleys in the District;
- (b) Require appropriate and adequate traffic circulation systems that include and emphasize mass transportation options (including, but not limited to, buses, vans, or carpools) in new residential developments and consider including pedestrian walkways and bicycle paths in new residential developments;
- (c) Require appropriate and adequate internal traffic circulation systems in new commercial developments including off-street loading platforms and parking in accordance with established standards;
- (d) Establish and enforce standards for lighting, curb cuts, ramps for the handicapped, and other amenities; promote private-sector involvement in the development of sidewalks and pedestrian paths to complete the District's pedestrian system; and enhance pedestrian access to public transportation in the city, including consideration of incentives for private-sector sidewalk and pedestrian pathway improvements;
- (e) Require major developments to demonstrate that adequate parking will exist for occupants and other users, in accordance with the Large Tract Review Procedures of the Office of Planning, effective December 12, 1986 (10 DCMR §2300 *et seq.*; 33 DCR 7701-7709), and with the Zoning Regulations at 11 DCMR §100 *et seq.*;
- (f) Require a systematic program for the maintenance and repair of streets, alleys, bridges, sidewalks, and related facilities, including improvements in interagency coordination of the scheduling of street repairs or maintenance, water main or sewer work beneath the streets, and temporary street lane closures due to adjacent construction to reduce disruptions in traffic and pedestrian flow, particularly in the Central Employment Area;
- (g) Determine the feasibility of constructing dedicated but unbuilt streets or abandoning the dedicated but unbuilt streets as public vehicular rights-of-way and converting the dedicated but unbuilt streets to parks; and
- (h) Consult with any affected Advisory Neighborhood Commission before issuing a permit to construct a road or street.

**506 AIR TRANSPORTATION**

506.1 The objectives for air transportation are to achieve cooperation throughout the region for safe and environmentally-sound air facilities and to ensure ease of access to all airports through intermodal planning and connections.

506.2 The policies established in support of the transportation objectives are as follows:

- (a) Encourage the Metropolitan Washington Airports Authority to continue to work with public and private sector organizations to develop plans for high-speed surface access and ground service improvements to Washington Dulles Airport to increase the attractiveness of Washington Dulles Airport for future increases in air service that will not be accommodated at Washington National Airport;
- (b) Encourage the Metropolitan Washington Airports Authority and the Federal Aviation Administration to prevent the introduction of wide-body jets at Washington National Airport due to concerns about safety;
- (c) Encourage the Metropolitan Washington Airports Authority to do the following:
  - (1) Maintain or reduce the number of hourly commercial aircraft operations ("landing slots") at Washington National Airport;
  - (2) Reconsider "scattered flight" take off and landing patterns for this airport;
  - (3) Impose stricter day-time and night-time restrictions on decibel levels to eliminate adverse noise impacts upon residents attributable to commercial aircraft operations at this airport; and
  - (4) Prohibit the operation of commercial aircraft at Washington National Airport between the hours of 10:00 p.m. and 7:00 a.m.;
- (d) Promote compatible land use and interior noise level reductions in areas of high aircraft noise;
- (e) Work with the Federal Aviation Administration and the Washington Metropolitan Council of Governments to assess the feasibility and availability of funding for development of a publicly-owned general-purpose heliport/vertiport facility at a site within the District of Columbia, where a facility would not adversely impact residential neighborhoods as set forth in the Helicopter Landing Pad Public Nuisance Act of 1987, effective October 9, 1987 (D.C. Law 7-40; D.C. Code §7-1439);
- (f) Work with other local governments in the Washington metropolitan region to develop intermodal transportation services which ensure more efficient and

convenient connections between the District and Washington metropolitan area airports; and

- (g) Encourage the development of an air passenger luggage courier service that will pick up luggage from a downtown drop-off point and directly deliver it to the baggage check-in counter for air travelers (thereby encouraging more travelers to use public transit and not automobiles to get to airports because they would not have bulky luggage or packages to carry, and also providing a possible source of supplemental revenue for existing airport limousine service providers if the luggage courier service were connected with their operations).

## 507 WATERFRONT TRANSPORTATION

507.1 The waterfront transportation objectives are to support use of the rivers for transportation and recreation purposes and to ensure that waterways and water travel are fully integrated into the intermodal transportation plan that is being developed for the District and the Washington Metropolitan Area.

507.2 The policies established in support of the waterfront transportation objectives are as follows:

- (a) Encourage better docking and mooring facilities in waterfront areas, including launching ramps for boats to encourage and promote increased use of waterfront area for transportation and recreation purposes;
- (b) Promote the construction of a continuous pathway along both the Potomac and Anacostia Rivers to provide walking, bicycling, and scenic vistas, and use many areas of parkland which are currently underused for recreational purposes;
- (c) Promote cooperation with the National Park Service, which controls the majority of the waterfront property; and
- (d) Encourage the Federal Maritime Administration and the Interior Department to work with the District to examine the feasibility of establishing a commuter waterway service from the southern Potomac River region to passenger ports at the Washington Channel, Southeast Federal Center, Navy Yard, Bolling Air Field, Poplar Point (at the regional entrance to the Anacostia Metrorail Station), and the Georgetown waterfront. (The development of waterway travel to these, as well as other major employment, activity, and intermodal transfer centers should reduce traffic congestion along the highway network serving Southwest and Southeast Washington and Georgetown.).

**508 INTERMODAL TRANSPORTATION FACILITIES**

508.1 The intermodal transportation facilities objective is to provide improved passenger and freight transfer services between the various transportation modes servicing the District and the Washington Metropolitan Area in order to enhance the District's function as the region's economic hub and the District's competitiveness in an increasingly globalized economy.

508.2 The policies established in support of the intermodal transportation facilities objective are as follows:

- (a) Work with the other local governments in the region and the Metropolitan Washington Council of Governments to develop a regional intermodal transportation plan and coordinate the development of the District's Intermodal Transportation Plan and include as one of the priorities the development of New York Avenue as an integral project highlighted in the Strategic Transportation Plan;
- (b) Coordinate the development and location of new intermodal transportation facilities with District economic development plan priorities and needs;
- (c) Develop new and improve existing pedestrian/bicycle transportation facilities providing access to intermodal transfer hubs; and
- (d) Encourage the development of appropriate parking facilities at major intermodal transfer points.

**509 PUBLIC ACTION**

509.1 The objectives for public action are to provide and maintain an efficient and effective transportation system that will do the following:

- (a) Maximize accessibility and the movement of people and goods;
- (b) Enhance growth and economic development;
- (c) Support the development of housing; and
- (d) Provide safe and convenient pedestrian and bicycle circulation within neighborhoods.

509.2 The policies established in support of the public action objectives are as follows:

- (a) Provide sufficient funding sources to establish, maintain, and repair the District's system of streets and alleys, including its street lights and control system, bridges, and trees;
- (b) Continue to install traffic system management techniques throughout the District to improve taxi service and automobile inspection procedures, and to support the District government's programs for neighborhood stabilization and commercial growth and development;
- (c) Provide reliable sources of funding for constructing and operating Metrorail and Metrobus systems and promote a regional tax to finance Metrorail activities;
- (d) Ensure that there is an adequate supply of parking in retail areas by conducting inventories of on- and off-street parking spaces and investigating procedures and incentives required to ensure this supply; continue to enforce and expand the residential permit parking program; encourage the provision of adequate bicycle parking space Downtown; and develop revenue bond-financed municipal parking facilities funded by municipal parking revenues and special tax assessments on commercial properties within areas benefitting from the municipal parking;
- (e) Establish, expand, or continue assistance for transit-dependent groups in the District, including the elderly, students, school age children, and persons whose situation require special services, including isolated persons and children in homeless shelters;
- (f) Develop and publish criteria for a Transportation Management Plan to be required for each new construction project that is subject to the Large Tract Review Procedures of the Office of Planning, effective December 12, 1986 (10 DCMR §2300 *et seq.* (1981));
- (g) Improve the District's system of traffic control signals to increase traffic efficiency and safety, particularly on major arteries, through such measures as expeditiously implementing a computerized traffic control system across the District, substantially increasing the installation of traffic control mast arms, and synchronizing traffic control lights;
- (h) Establish a bicycle route system in conformity with the Bicycle Transportation Plan for the District of Columbia, approved June 9, 1987, with subsequent additions or modifications by the District of Columbia Bicycle Advisory Council, and with special efforts towards establishing bicycle rights-of-way within the Central Employment Area;



- (i) Operate public transportation service at convenient frequencies and at the lowest fares possible to maximize use of public transit and to minimize travel by personal automobile; and
- (j) Support completion of a feasibility study and other measures necessary to construct the Metropolitan Branch Trail for bicyclists and pedestrians adjacent to the Metrorail Red Line between Union Station and the Maryland border on the northeast side of the District.

## 599 DEFINITIONS

- 599.1 The provisions of §199 of chapter 1 of this title and the definitions set forth in that section shall be incorporated by reference in this section.

**CHAPTER 6 COMPREHENSIVE PLAN: PUBLIC FACILITIES ELEMENT**

<b>Secs.</b>	
600	Declaration of Major Policies
601	Public Facilities Goal
602	Adequate Service Delivery
603	Adequate Planning for Public Facilities
604	Increased Cost-Effectiveness in Public Facilities
605	Stimulating Development
606	Location of Public Facilities
607	Surplus Properties
608	Public Action
609	Schools and Related Facilities
610	Libraries and Related Facilities
699	Definitions

**600 DECLARATION OF MAJOR POLICIES**

600.1 In the 1980's and 1990's, the District must focus its public facility improvement resources on that class of facilities commonly referred to as infrastructure, as follows:

- (a) Water and sewer mains;
- (b) Storm sewers;
- (c) Streets, highways and bridges; and
- (d) Sewage treatment and solid waste management facilities.

600.2 A fifteen (15) year program to correct serious structural deficiencies in many of the District's numerous bridges, initiated in the fiscal year ending September 30, 1982, will remain an important capital budget item well into the 1990's.

600.3 Expansion of sewage treatment capacity and construction of related stormwater management projects are essential components of the public facilities program for the next two (2) decades. High priority must be given to a solution to the District's solid waste and sludge disposal needs. Regardless of which approach is selected, major capital investments are anticipated.

600.4 Fire station replacement and rehabilitation will require significant capital outlays over the next ten (10) years or more. Improvements to correctional facilities must be continued, and further university construction is planned. A substantial program of rehabilitation and modernization is planned for the public schools. The efforts to improve public facilities should be balanced against limited available funding and the demographic analysis and projections.

- 600.5 Confronting this major inventory of public facility improvement needs is a set of serious constraints on large-scale capital borrowing.
- 600.6 Economic development and neighborhood improvement objectives and demographic analysis should be the basis of public facility planning and capital improvements programming. The Public Facilities Element establishes the requirement that all future public facility planning for the District conform to all elements and be consistent with the Plan.
- 600.7 The Public Facilities Element recognizes the serious need to increase funding for facility energy conservation improvement and maintenance through the annual capital and operating budgets.

**601 PUBLIC FACILITIES GOAL**

- 601 It is the goal of the District to provide adequate and energy-efficient public facilities in good condition to support the cost-effective delivery of municipal programs and services, and to support economic development and neighborhood improvement objectives.

**602 ADEQUATE SERVICE DELIVERY**

- 602.1 The adequate service delivery objective is to ensure the construction, rehabilitation, and maintenance of facilities essential for public service delivery.
- 602.2 The policies established in support of the adequate service delivery objective are as follows:
- (a) Develop appropriate criteria, adequate information, and thorough coordination procedures to assist in establishing priorities for capital improvement projects. Rigorous priority setting, essential for allocating limited capital funds among competing projects, must derive from ample knowledge of both program and facility needs;
  - (b) Provide adequate funding for public facility energy conservation improvement and maintenance;
  - (c) Provide for a regular review of the condition and use of facilities. Periodic and timely condition and needs assessment of facilities is necessary to support the District's planning and budgeting programs and to ensure the expedient repair, improvement, or replacement of facilities;

- (d) Develop alternative capital financing and public facility construction techniques, including joint development, creative leasing arrangements, and financing instruments designed to reduce long-term debt accumulation; and
- (e) Assess the physical changes to public school buildings needed to accommodate child care programs for pre-school and school age children.

### 603 ADEQUATE PLANNING FOR PUBLIC FACILITIES

603.1 The adequate planning for public facilities objective is to provide for the coordinated planning of public facility construction and rehabilitation.

603.2 The policies established in support of the adequate planning for public facilities objective are as follows:

- (a) Develop a District-wide public facilities plan by March 30, 1990, including a detailed listing and map of the existing inventory of publicly owned and leased property based on the Plan and the agencies' facility master plans. The purpose of the public facilities plan would be to identify sites needed for new or replacement facilities, facilities to be retained indefinitely in present use, facilities and sites likely to become available for reuse or redevelopment, and facilities and sites no longer needed for public service purposes. The public facilities plan would provide guidance for the preparation of the six (6) year Capital Improvements Program; and
- (b) Conduct a regular review of facility use and an assessment of trends and factors that will affect the future use of facilities or the demand for the services provided. The review and assessment, which shall be prepared not less frequently than once every five (5) years, shall result in a periodic update of the Plan. The public facilities plan required to be developed and periodically updated by this section shall be submitted to the Council for a forty-five (45) day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the public facilities plan, in whole or in part, by resolution within this forty-five (45) day review period, the public facilities plan shall be deemed approved.

### 604 INCREASED COST-EFFECTIVENESS IN PUBLIC FACILITIES

604.1 The increased cost-effectiveness in public facilities objective is to improve the cost-effectiveness of public facility construction, maintenance, and rehabilitation.

604.2 The policies established in support of the increased cost-effectiveness in public facilities objective are as follows:

- (a) Maintain adequate records of operating and maintenance costs for all public facilities;
- (b) Develop and use cost-benefit techniques for evaluating capital improvement project requests and combine these techniques with rigorous efforts to identify all realistic approaches to meeting any capital improvement need;
- (c) Identify facilities that are functionally obsolete, that cannot be rehabilitated cost-effectively, or that are no longer needed for current purposes and develop appropriate reuse or disposition plans for each of these facilities; and
- (d) Conduct a regular review of District occupancy of leased space for economy, efficiency, and appropriateness.

## **605 STIMULATING DEVELOPMENT**

605.1 The stimulating development objective is to stimulate economic development and neighborhood improvement through adequate and appropriate public facilities.

605.2 The policies established in support of the stimulating development objective are as follows:

- (a) Identify specific projects to stimulate or retain economic activity and to improve neighborhood stability. (The costs and benefits of each project provide the basis for selection and assignment of priority, and should be analyzed thoroughly and consistently.);
- (b) Provide for timely improvements in order to stimulate the greatest economic impact;
- (c) Consider planning new public facilities in areas in need of overall economic development; and
- (d) Promote the employment of neighborhood residents in the construction of neighborhood public facilities.

## **606 LOCATION OF PUBLIC FACILITIES**

606.1 The location of public facilities objective is to locate public facilities to provide optimum service and to support the land use, transportation, economic and social development, and neighborhood improvement objectives.

606.2 The policies established in support of the location of public facilities objective are as follows:

- (a) Review all proposals for new construction, replacement, or reuse of public facilities for consistency with the District elements of the Plan objectives;
- (b) Consider the adequacy of transportation access in locating proposed public facilities. Facilities planned to serve the District as a whole or large areas should be located near public transit transfer points; and
- (c) Provide appropriate landscaping, buffering, and access for all public facilities so that undesirable community impacts are minimal.

## 607 SURPLUS PROPERTIES

607.1 The surplus properties objective is to maximize the public benefits derived from the disposition of surplus public property.

607.2 The policies established in support of the surplus properties objective are as follows:

- (a) Conduct a regular review of District-owned properties to identify those to be retained, those to be leased, those to be reserved, and those to be sold as surplus to District needs;
- (b) Develop a real estate analysis and marketing program to obtain the maximum public benefit from each property sale; and
- (c) Develop and implement real property disposition strategies that result in creative and effective marketing and use arrangements designed for the public benefit.

## 608 PUBLIC ACTION

608.1 The public action objective is to provide for the coordination of all public actions affecting the location, change of use, and disposition of public facilities.

608.2 The policies established in support of the public action objective are as follows:

- (a) Establish an information system on the status, condition, and use of all properties owned by the District government. This system should consist of data needed to assist in the development of public facility master plans, the performance of condition and needs assessments, and the preparation of proposals to dispose of surplus or underused District properties;

- (b) Develop and fund an adequate maintenance budget for public facilities based on expenditure records and efficiency measures;
- (c) Evaluate publicly owned sites for possible joint development with private entrepreneurs;
- (d) Develop the legal procedures and instruments necessary to enable the private sector to assist with the financing of public capital improvements through creative financial techniques;
- (e) Consider the use of new municipal finance instruments and techniques, including shortened bond maturities, bank letters of credit, municipal bond insurance arrangements, original issue discount bonds, and zero-coupon bonds;
- (f) Provide improved coordination of all District property disposal actions to ensure conformity to the District elements of the Plan and District economic development objectives;
- (g) Obtain authority to enter into flexible marketing arrangements for disposal of surplus and underused District properties;
- (h) Adopt measures to improve public library facilities;
- (i) Consider the development of an artistic center; and
- (j) Consider placing public restrooms and drinking fountains at appropriate locations.

## 609 SCHOOLS AND RELATED FACILITIES

609.1 The facilities listed in this section, while occupied by the District government, shall be designated as local public facilities.

- (a) The local public facilities are as follows:
  - (1) Adams Elementary School;
  - (2) Aiton Elementary School;
  - (3) Amidon Elementary School;
  - (4) Anacostia Senior High School;
  - (5) Apprenticeship School Community Development Center (Phelps);

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- (6) Armstrong Adult Education Center;
- (7) Backus Junior High School;
- (8) Ballou Senior High School/Adult Education Center
- (9) Bancroft Elementary School;
- (10) Banneker Senior High School (Instruction);
- (11) Barnard Elementary School;
- (12) Beers Elementary School/Community School;
- (13) Bell Career Development Center/Multicultural Senior High School;
- (14) Benning Elementary School;
- (15) Birney Elementary School;
- (16) Blow Elementary School;
- (17) Bowen Elementary School;
- (18) Brent Elementary School;
- (19) Brightwood Elementary School;
- (20) Brookland Elementary School;
- (21) Browne Junior High School;
- (22) Bruce-Monroe Elementary School/Community School;
- (23) Bryan Elementary School;
- (24) Buchanan Secondary Learning Center;
- (25) Bundy Program (Hamilton);
- (26) Bunker Hill Elementary School;
- (27) Burdick Career Development Center;



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- (28) Burroughs Elementary School;
- (29) Burville Elementary School;
- (30) Cardozo Senior High School;
- (31) Carver Elementary School;
- (32) Chamberlain Career Development Center;
- (33) Clark Elementary School;
- (34) Cleveland Elementary School;
- (35) J.F. Cook Elementary School;
- (36) H.D. Cooke Elementary School;
- (37) Coolidge Senior High School;
- (38) Davis Elementary School;
- (39) D.C. Skills Center Career Development Center (Armstrong);
- (40) Deal Junior High School;
- (41) Douglass Junior High School;
- (42) Draper Elementary School;
- (43) Drew Elementary School;
- (44) Dunbar Senior High School;
- (45) Eastern Senior High School;
- (46) Eaton Elementary School;
- (47) Eliot Junior High School;
- (48) Ellington School of the Arts (Instruction);
- (49) Emery Elementary School;
- (50) Evans Junior High School;

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- (51) Eternal High School/Adult Education Center (Franklin);
- (52) Filmore Art Center Elementary School;
- (53) Fletcher-Johnson Educational Center;
- (54) Fort Lincoln;
- (55) Fort Lincoln Elementary School/Community School;
- (56) Francis Junior High School;
- (57) Franklin School Adult Education Center;
- (58) Friendship Community School/Education Center;
- (59) Gage-Eckington Elementary School;
- (60) Garfield Elementary School;
- (61) Garnet-Patterson Junior School;
- (62) Garrison Elementary School;
- (63) Gibbs Elementary School;
- (64) Giddings Elementary School;
- (65) Goding Elementary School;
- (66) Gordon Adult Education Center;
- (67) Green Elementary School;
- (68) Grimke Program (Terrell);
- (69) Hamilton Junior High School;
- (70) Hardy Middle School;
- (71) Harris Elementary School;
- (72) Harrison Elementary School;

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- (73) Hart Junior High School;
- (74) Hearst Elementary School;
- (75) Hendley Elementary School;
- (76) Hine Junior High School;
- (77) Hobson Middle School (Watkins);
- (78) Houston Elementary School;
- (79) Hyde Elementary School;
- (80) Janney Elementary School;
- (81) Jefferson Junior High School;
- (82) Johnson Junior High School;
- (83) Keene Elementary School;
- (84) Kenilworth Elementary School;
- (85) Ketcham Elementary School;
- (86) Key Elementary School;
- (87) Kimball Elementary School;
- (88) King, Martin Luther Jr. Elementary School (Congress Heights Elementary School);
- (89) Kingsman Elementary School;
- (90) Kramer Junior High School;
- (91) Lafayette Elementary School;
- (92) Langdon Elementary School;
- (93) Langley Junior High School;
- (94) LaSalle Elementary School;

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- (95) Leckie Elementary School;
- (96) Mamie D. Lee;
- (97) Lewis Elementary School;
- (98) Lincoln Junior High School;
- (99) Logan Community School;
- (100) Ludlow-Taylor Elementary School;
- (101) MacFarland Junior High School;
- (102) Malcolm X Elementary School;
- (103) Mann Elementary School;
- (104) Maury Elementary School;
- (105) McGogney Elementary School;
- (106) McKinley Senior High School;
- (107) Merritt Elementary School;
- (108) Meyer Elementary School;
- (109) Kelly Miller Junior High School;
- (110) Miner Elementary School;
- (111) Montgomery Elementary School;
- (112) Moten Elementary School;
- (113) Murch Elementary School;
- (114) Nalle Elementary School;
- (115) Nichols Avenue Follow Through Program (Birney);
- (116) Noyes Elementary School;
- (117) Orr Elementary School;

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- (118) Oyster Elementary School;
- (119) Park View Elementary School;
- (120) Patterson Elementary School;
- (121) Paul Junior High School;
- (122) Payne Elementary School;
- (123) Peabody Elementary School;
- (124) Penn Career Development Center;
- (125) Perworth Elementary School;
- (126) Phelps Career Development Center;
- (127) Plummer Elementary School;
- (128) Powell Elementary School;
- (129) Prospect Learning Center (Wormley);
- (130) Rabaut Junior High School;
- (131) Randle Highlands Elementary School;
- (132) Raymond Elementary School;
- (133) Reed Community School Learning Center;
- (134) Richardson Elementary School;
- (135) River Terrace Community School;
- (136) Roosevelt Senior High School/Adult Education Center;
- (137) Roper Junior High School;
- (138) Ross Elementary School;
- (139) Rudolph Elementary School;

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- (140) Savoy Elementary School;
- (141) School Without Walls Senior High School (Grant);
- (142) Seaton Elementary School;
- (143) Senate Page School (Library of Congress);
- (144) Shadd Elementary School;
- (145) Shaed Elementary School;
- (146) Sharpe Health School;
- (147) Shaw Community School;
- (148) Shaw Junior High School;
- (149) Shepherd Elementary School;
- (150) Simon Elementary School;
- (151) Slater-Langston Elementary School;
- (152) Slowe Elementary School;
- (153) Smothers Elementary School;
- (154) Sousa Junior High School;
- (155) Spingarn Senior High School/Adult Education Center
- (156) Stanton Elementary School;
- (157) Stevens Elementary School;
- (158) Stoddert Elementary School;
- (159) Stuart Junior High School;
- (160) Syphax Elementary School;
- (161) Taft Junior High School;
- (162) Takoma Elementary School/Community School;

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- (163) M.C. Terrell Elementary School;
- (164) R.H. Terrell Junior High School;
- (165) Thomas Elementary School;
- (166) Thomson Elementary School;
- (167) Truesdell Elementary School;
- (168) Tubman Elementary School;
- (169) Turner Elementary School;
- (170) Tyler Elementary School;
- (171) Van Ness Elementary School;
- (172) Vision Program (Tyler);
- (173) Walker-Jones Elementary School;
- (174) Washington-Dix Street Academy/Adult Education Center (Hamilton);
- (175) Washington Highland Elementary School/Community Center;
- (176) M.M. Washington Career Development Center;
- (177) Watkins Elementary School;
- (178) Weatherless Elementary School;
- (179) Webb Elementary School;
- (180) West Elementary School;
- (181) Wheatley Elementary School;
- (182) Whittier Elementary School;
- (183) Wilkinson Elementary School;
- (184) J.O. Wilson Elementary School;
- (185) W. Wilson Senior High School;

- (186) Winston Community School/Educational Center;
  - (187) Woodridge Elementary School;
  - (188) C.G. Woodson. Junior High School;
  - (189) H.D. Woodson Community School;
  - (190) Woodson, H.D. Senior High School; and
  - (191) Young Elementary School;
- (b) The following local public facilities are buildings of the University of the District of Columbia:
- (1) Building 3 - 1321 H Street, N.W.;
  - (2) Building 6 - 1221-25 Taylor Street, N.W.;
  - (3) Building 7- 733 8th Street, N.W.;
  - (4) Building 10 - 916-18 G Street, N.W.;
  - (5) Building 19 - 900 F Street, N.W.;
  - (6) Building 20 - 8th & K Streets, N.W.;
  - (7) Building 30 - Hangar 10, National Airport;
  - (8) Building 31 - 1351 Nicholson Street, N.W.;
  - (9) Building 32 - 4200 Connecticut Avenue, N.W.;
  - (10) Building 38 - 4200 Connecticut Avenue, N.W.;
  - (11) Building 39 - 4200 Connecticut Avenue, N.W.;
  - (12) Building 41 - 4200 Connecticut Avenue, N.W.;
  - (13) Building 42 - 4200 Connecticut Avenue, N.W.;
  - (14) Building 43 - 4200 Connecticut Avenue, N.W.;
  - (15) Building 44 - 4200 Connecticut Avenue, N.W.;



- (16) Building 46 - 4200 Connecticut Avenue, N.W.;
- (17) Building 47 - 4200 Connecticut Avenue, N.W.;
- (18) Building 48 - 4200 Connecticut Avenue, N.W.;
- (19) Building 50 - 2565 Georgia Avenue, N.W.;
- (20) Building 51 - 1100 Harvard Street, N.W.;
- (21) Building 64 - 3520 Rittenhouse Street, N.W.;
- (22) Building 66 - Brooks Mansion, 901 Newton Street, N.E.; and
- (23) Building 67 - 6001 Georgia Avenue, N.W.

609.2 Facilitate development on the six (6) squares north of Mount Vernon Square (Squares 400, 401, 402, 424, 425, and 426), except for the eastern half of Square 424, of the following uses:

- (a) Local public facilities (a new convention center or public higher education facilities); or
- (b) Mixed residential and commercial uses.

## 610 LIBRARIES AND RELATED FACILITIES

610.1 The following libraries shall be designated as local public facilities:

- (a) Martin Luther King Memorial Library;
- (b) Branches:
  - (1) Anacostia;
  - (2) Benning;
  - (3) Capitol View;
  - (4) Chevy Chase;
  - (5) Cleveland Park;

- (6) Francis A. Gregory;
- (7) Georgetown;
- (8) Lamond-Riggs;
- (9) Mt. Pleasant;
- (10) Northeast;
- (11) Palisades;
- (12) Petworth;
- (13) Shepherd Park;
- (14) Southeast;
- (15) Southwest;
- (16) Takoma Park;
- (17) Tenley-Friendship;
- (18) Washington Highlands;
- (19) Watha T. Daniel;
- (20) West End; and
- (21) Woodridge;
- (c) Community Libraries:
  - (1) Langston;
  - (2) Parklands-Turner;
  - (3) R.L. Christian; and
  - (4) Sursum Corda; and
- (d) Deanwood Kiosk.

**699      DEFINITIONS**

699.1      The provisions of §199 of chapter 1 of this title and the definitions set forth in that section shall be incorporated by reference in this section.

**CHAPTER 7 COMPREHENSIVE PLAN: URBAN DESIGN ELEMENT**

<b>Secs.</b>	
700	Declaration of Major Policies
701	Urban Design Goal
702	Urban Design: General
703	Natural Environment
704	Areas with Severe Building Constraints
705	Streams and Stream Valleys
706	Waterfront Design Areas
707	Built Environment
708	Buildings
709	Streetscape
710	Areas of Strong Architectural Character
711	Areas of Stable Character
712	Areas in Need of New and Improved Character
713	Commercial Activity Corridors
714	Public Action
799	Definitions

**700 DECLARATION OF MAJOR POLICIES**

- 700.1 The District must focus its resources on providing particular design improvements to those critical sectors of the District that need special design attention.
- 700.2 The District must afford more attention to the future design and development of its waterfronts. The Potomac and Anacostia Rivers offer tremendous amenities which are unrealized and underutilized.
- 700.3 Downtown and other neighborhoods, particularly those east of the Anacostia River, that are either architecturally significant or poorly designed will need protection and design assistance to ensure that the maintenance or redesign of these neighborhoods responsively addresses the challenge of contributing to the National Capital environment.
- 700.4 Future development must be carefully controlled to protect and enhance the neighborhoods, natural open spaces, and national and international image qualities.

**701 URBAN DESIGN GOAL**

- 701.1 It is the goal of the District to promote the protection, enhancement, and enjoyment of the natural environs and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient.

**702 URBAN DESIGN: GENERAL**

- 702.1 The urban design objectives are to do the following:

- (a) Maintain and enhance the physical integrity and character of the District as the Nation's Capital;
- (b) Preserve and enhance the outstanding physical qualities of District neighborhoods;
- (c) Preserve and enhance the outstanding qualities of the natural park and waterfront areas; and
- (d) Respect the L'Enfant Plan so that it remains a positive guiding force for future development within the District.

702.2 The policy established in support of the urban design objectives is to strengthen and enhance the physical image and symbolic qualities of the District that establish its character as an urban center and the Nation's Capital.

### 703 NATURAL ENVIRONMENT

703.1 The natural environment objective is to conserve and protect environmentally valuable and sensitive areas that contribute to the design framework of the District.

703.2 The policies established in support of the natural environment objective are as follows:

- (a) Protect and enhance the natural setting of the District, ensuring that the resulting natural features and open spaces are available to and can be enjoyed by District residents and visitors; and
- (b) Encourage appropriate design solutions that contribute to the conservation of the natural resources of the District.

### 704 AREAS WITH SEVERE BUILDING CONSTRAINTS

704.1 The objective for areas with severe building constraints is to restrict and sensitively design developments placed on severe slopes and unstable soils.

704.2 The policies established in support of the objective for areas with severe building constraints are as follows:

- (a) Undertake protective design measures;
- (b) Minimize grading that removes top soil and vegetation, retain vegetation as much as possible, and establish new vegetation where severe erosion damage has already occurred:

- (c) Integrate open spaces with vegetation into new development and encourage soil stabilization and complementary vegetation, including vines and ground cover plants;
- (d) Use retaining walls, where appropriate, for erosion control, and minimize paved surfaces; and
- (e) Restrict development on unstable soils with slopes over twenty-five percent (25%), such as Rock Creek Valley and related stream valleys.

## **705 STREAMS AND STREAM VALLEYS**

705.1 The streams and stream valleys objectives are to do the following:

- (a) Restrict uses on lands abutting stream valleys, and retain and promote dense vegetation in these areas;
- (b) Restrict land uses generating toxic runoff; and
- (c) Protect stream valley parks by encouraging sensitive urban design solutions on adjacent lands in order to help improve water quality and prevent erosion and siltation of streams.

705.2 The policies established in support of the streams and stream valleys objectives are as follows:

- (a) Ensure that development in these areas is minimal and preserve and respect the natural pattern of the District, where possible. Streams and ravines should not be channeled, but should be retained in their natural condition;
- (b) Preserve land adjacent to streams and ravines as open spaces with dense vegetation cover. These natural flood drainage channels and buffer zones for the watershed should be protected from the adverse effects of urban uses. The affected areas are adjacent to Rock Creek Park and related stream valley parks, Battery Kemble, Glover-Archbold, Watts Branch, and Oxon Run; and
- (c) Develop land adjacent to major and minor stream valleys, with special attention to possible impacts on the watershed.

## **706 WATERFRONT DESIGN AREAS**

706.1 The waterfront design areas objectives are to do the following:

- (a) Preserve waterfront parks and ensure visual and functional integration of urban and recreational development with present uses;
- (b) Enhance the character of natural waterfront parks;
- (c) Create and enhance relationships between the rivers and District residents, develop urban waterfronts and water-related recreation in appropriate locations, and establish attractive pedestrian connections from neighborhoods to activities along the waterfronts; and
- (d) Promote residential and commercial development at appropriate waterfront locations.

706.2 The policies established in support of the waterfront design areas objectives are as follows:

- (a) Promote water-oriented public space uses at the water's edge such as promenades, view points, steps into the water, swimming and boating facilities, public art, or other water-related amenities;
- (b) Require that waterfront design areas complement and enhance urban development;
- (c) Require that waterfront design areas respond to the unique waterfront qualities of the respective site conditions;
- (d) Require that site planning in these areas establish, and be sensitive to, the close interrelationship between buildings, parks and open spaces, and the rivers;
- (e) Orient buildings, open spaces, and prominent views within each of these areas toward the water. These areas generally should not be separated from the shorelines by major roadways;
- (f) Promote portions of these areas as potential future sites for monuments of either national or local significance; and
- (g) Design the Anacostia Park so that it is responsive to its natural character, especially to the upper parks and Kingman Island: (Selected areas should be developed for water-related recreational uses, especially boating and fishing. Water quality should be improved, and swimming, in selected areas with appropriate safety precautions, should be a goal. Pedestrian connections between the parks and Kingman Island should be designed. All recreational facilities should be carefully sited and designed in order to tie them in with the shorelines and open meadows, and to avoid negative impacts on the wildlife refuges. Parking lots should be located on the periphery of the park area to minimize any adverse impact on the waterfront. Access by mass transit should be encouraged.)

**707 BUILT ENVIRONMENT**

707.1 The built environment objective is to strengthen and enhance the distinguishable physical qualities of the District.

707.2 The policies established in support of the built environment objective are as follows:

- (a) Strengthen and enhance the physical image and symbolic qualities of the District that establish its character as the Nation's Capital;
- (b) Maintain and enhance the horizontal character of buildings within the District and retain and enforce An Act To regulate the height of buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, D.C. Code § 5-401 *et seq.*) ("Height Act"), as the guiding design principle for protecting the skyline;
- (c) Retain the current maximum limit in accordance with the Height Act, in order to reinforce the "horizontal" urban quality of the District but, in order to encourage a more detailed articulation of building roof lines and facades, consider adding parapets, cornices, and other architectural embellishments to the list of features allowed to project above the limit established by the Zoning Regulations. (Title 11 DCMR) but within the limit established by the Height Act
- (d) Encourage the emergence of a renewed Downtown with a design quality superior in all respects, as a direct reflection of its design role as part of the monumental core and the retail core;
- (e) Strengthen and enhance the design of the distinguishing physical qualities of neighborhoods; and
- (f) Allow for physical expression of the various cultural values of the neighborhoods.

**708 BUILDINGS**

708.1 The buildings objective is to encourage developments which respond to the horizontal skyline of the District so as to maintain its low-scale image and contribute to the enhancement of the District's character.

708.2 The policies established in support of the buildings are as follows:

- (a) Design residential, commercial, and all other buildings to complement or enhance the physical character of the District; and



- (b) Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.

**709      STREETSCAPE**

709.1      The streetscape objective is to establish a clear classification of streets and sidewalks that is functionally efficient and visually coherent, enhances the pedestrian environment, and provides for the orderly movement of goods and services.

709.2      The policies established in support of the streetscape objective are as follows:

- (a) Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian ways;
- (b) Reduce conflicts between pedestrians and vehicular traffic in order to increase pedestrian safety and comfort;
- (c) Create a visually interesting environment that utilizes the design opportunities present in the public space and defines a special image for both Downtown and District neighborhoods;
- (d) Create an environment in the public space that attracts people and stimulates redevelopment and commerce;
- (e) Encourage the use of the public space for arts and cultural activity;
- (f) Provide opportunities for appropriate location in the public space of aesthetically appealing vending and programmed activities;
- (g) Review the street vending regulations to assure adequate protection of both residential and commercial areas, particularly outside the Central Employment Area, from any adverse impact of street vending;
- (h) Encourage the choice of unenclosed sidewalk cafes over enclosed sidewalk cafes to promote and enhance pedestrian activity while maintaining the essential unobstructed continuity of the sidewalk public space in commercial areas;
- (i) Promote design features such as storefront windows, multiple entrances to retail, and unenclosed sidewalk cafes to encourage pedestrian activity along the streets; and
- (j) Encourage the planting and maintenance of street trees as the single most important streetscape element along commercial and residential streets to provide shade,

design continuity, spatial relief, and a juxtaposition of the natural and built environments.

**710 AREAS OF STRONG ARCHITECTURAL CHARACTER**

710.1 The areas of strong architectural character objectives are to protect areas of strong architectural character and to provide that the architecture of any new development in these areas be complementary to the existing architectural character.

710.2 The policies established in support of the areas of strong architectural character objectives are as follows:

- (a) Respect the boundaries of areas having strong architectural character, both to preserve the continuity of these areas and to prevent inappropriate encroachment;
- (b) Encourage development adjacent to areas of strong architectural character to provide a physical transition in building design detail in order to create a complementary form of transition;
- (c) Encourage rehabilitation, rather than demolition or redevelopment, in areas of strong architectural character;
- (d) Encourage new development within areas of strong architectural character to contribute to the physical identity and character of those areas;
- (e) Encourage building massing and scale of new development to be sensitive to established patterns;
- (f) Protect and enhance the green landscape and park-like setting of trees, grass areas, and plants; and
- (g) Enhance and maintain design emphasis on the special nature of each area through distinctive landscaping and the development of paving, lighting, signs, and street furniture in accord with the architectural character of the area.

**711 AREAS OF STABLE CHARACTER**

711.1 The areas of stable character objectives are to maintain those areas of the District that have a positive physical image and to provide that new development and renovation within or adjacent to these areas is complementary in scale and character.

711.2 The policies established in support of the areas of stable character objectives are as follows:

- (a) Encourage in-fill development to be complementary to the established character of the area. In-fill development in stable areas should not create sharp changes in physical pattern which might lead to deterioration;
- (b) Encourage rehabilitation, rather than demolition and redevelopment, of architecturally significant and structurally sound structures in deteriorating areas, so that these renovated structures can be initial elements that help to bring about a positive image to an area;
- (c) Use landscaping in areas without strong building character to present a more positive physical image;
- (d) Consider large-scale developments or capital improvement projects as opportunities for establishing a positive image or redirection in deteriorated areas; and
- (e) Use site planning and design treatment to screen unsightly uses, particularly in areas adjacent to manufacturing or industrial yards.

## **712 AREAS IN NEED OF NEW AND IMPROVED CHARACTER**

712.1 The areas in need of new and improved character objective is to encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity.

712.2 The policies established in support of the areas in need of new and improved character objective are as follows:

- (a) Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;
- (b) Encourage in-fill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment;
- (c) Encourage rehabilitation rather than demolition and redevelopment in appropriate locations in deteriorated areas;
- (d) Use sensitive site planning and design treatment to screen unsightly manufacturing and industrial yards from public view, especially in areas proposed for industry;
- (e) Establish a new physical identity in areas having a strong negative image and where the surrounding areas lack character;
- (f) Use extensive landscaping in areas without character to present a more positive image; and

- (g) Utilize large-scale development or capital improvement projects as opportunities for establishing a positive image or redirection in deteriorated areas.

### 713 COMMERCIAL ACTIVITY CORRIDORS

713.1 The commercial activity corridors objective is to coordinate and strengthen the design function and image of commercial activity corridors that serve neighborhood centers.

713.2 The policies established in support of the commercial activity corridors objective are as follows:

- (a) Ensure that the design of future development respects the urban framework created by the L'Enfant Plan and complements its intent;
- (b) Direct the design and function of high-density commercial, retail, and entertainment development toward Downtown to maintain Downtown as the activity center for the region;
- (c) Encourage the design of functionally active commercial centers within all areas of the District, especially in areas that are not now adequately served;
- (d) Encourage the design of mixed-use development for large-scale projects to create active use during both day and evening hours;
- (e) Orient major new development toward the street in order to emphasize the public space as a setting for active use;
- (f) Balance and design development sensitively within low-scale regional activity centers in order to respect the established residential scale and character of the areas;
- (g) Encourage special design quality around Metrorail stations to create aesthetically pleasing physical concentrations of activity and development;
- (h) Strengthen the function and design image of the development and activity corridors that serve as neighborhood centers;
- (i) Focus special design attention on corridors and centers in areas of the District that have poor images, low development of activity concentrations, and are underserved;
- (j) Encourage the design of future development to be compatible with the established characters of the surrounding areas;

- (k) Encourage the development of physical boundaries between commercial concentrations and adjacent residential areas so as to enhance the character and integrity of both sectors;
- (l) Emphasize the activity function and visual character of corridors and centers through special signs, lighting, design, or other means which contribute to their overall identity and sense of place, but also allow for the unique identities of the individual businesses; and
- (m) Encourage the design of in-fill developments within commercial corridors to be appropriately sited in order to strengthen functional and image guidelines.

#### 714 PUBLIC ACTION

- 714.1 The public action objective is to implement measures to ensure that master plans, project plans, public facilities, capital improvements, and administrative regulations are consistent with the policies of the Urban Design Element.
- 714.2 The policies established in support of the public action objective are as follows:
  - (a) Establish and publish standards for design review of developments by the Office of Planning in established design areas and of development projects that are subject to the Large Tract Review Procedures of the Office of Planning, effective December 12, 1986 (10 DCMR §2300 *et seq.*), to assure consistency with the urban design and other elements of the Plan:
    - (1) Include, as part of the design review function, a management system that encourages optimum streetscape design, streamlines administrative review and approval, and minimizes maintenance burdens;
    - (2) Develop, as part of the design review system, a thorough program for environmental security as a supportive measure for crime prevention; and
    - (3) Include community participation in the design review process;
  - (b) Encourage substantial new or rehabilitated residential, commercial, industrial, or institutional development to provide for the installation and dedication of landscape and streetscape improvements that respond to the design character of that area;
  - (c) Investigate various financial and technical assistance mechanisms which would educate, inform, and encourage increased interest by private developers and the general public in the advantages of using good urban design;

- (d) Coordinate efforts with professional design or design-related organizations, historic preservation societies, the general public, and the development community to support policies promoting exemplary design; and
- (e) Endeavor to provide appropriate design guidance and comprehensive controls for signs, particularly for lighted signs, in order to ensure adequate and complementary retail advertisement and reinforce the positive image qualities of particular commercial areas.

**799      DEFINITIONS**

- 799.1      The provisions of §199 of chapter 1 of this title and the definitions set forth in that section shall be incorporated by reference in this section.

**CHAPTER 8 COMPREHENSIVE PLAN: PRESERVATION AND  
HISTORIC FEATURES ELEMENT**

<b>Secs.</b>	
800	Declaration of Major Policies
801	Goals and Objectives
802	Criteria for Designating Historic Landmarks and Historic Districts
803	Policies for Identifying and Recognizing Historic Properties
804	General Policies for Protection and Enhancement of Historic Properties
805	Specific Policies for Protection and Enhancement of Historic Properties
806	Criteria for Designating Special Streets and Places
807	Policies for Special Streets and Places
808	Public Action
899	Definitions

**800 DECLARATION OF MAJOR POLICIES**

- 800.1 The unique importance of the physical appearance of the National Capital and the significance of its history to the entire nation have long been recognized.
- 800.2 The important historic features of the District are due to the historic design framework achieved through the continuity of earlier planning efforts, notably the L'Enfant and McMillan Plans, and of individual landmarks and districts.

**801 GOALS AND OBJECTIVES**

- 801.1 The new preservation and historic features goal for the District is to preserve the important historic features of the District while permitting new development that is compatible with those features.
- 801.2 The objective for historic properties is to increase awareness of, and access to, facilities, places, and activities essential to residents and visitors.

**802 CRITERIA FOR DESIGNATING HISTORIC LANDMARKS AND HISTORIC DISTRICTS**

- 802.1 Historic and prehistoric buildings, building interiors, structures, monuments, works of art or other similar objects, areas, places, sites, neighborhoods, networks, and historic landscapes should be designated as historic landmarks or historic districts if they meet the following criteria:
- (a) They possess sufficient integrity to convey, represent, or contain the values and qualities for which they are judged significant;

- (b) Sufficient time has passed since they achieved significance or were constructed to permit professional evaluation of them in their historical context; and
- (c) They possess one (1) or more of the following values or qualities:
  - (1) They are sites of significant events or are associated with persons, groups, institutions, or movements that contributed significantly to the heritage, culture, or development of the National Capital or the nation;
  - (2) They exemplify the significant or unique military, social, political, economic, scientific, technical, educational, historical, engineering, archeological, architectural, or artistic heritage of the National Capital or the nation;
  - (3) They embody the distinguishing characteristics of architectural styles; building types; types or methods of construction; landscape architecture; urban design; or other architectural, aesthetic, or engineering designs or expressions significant to the appearance and development of the National Capital or the nation;
  - (4) They have been identified as notable works of craftsmen, artists, sculptors, architects, landscape architects, urban planners, engineers, builders, or developers who have influenced the evolution of their fields of endeavor, or the development of the National Capital or the nation;
  - (5) They contain information about or evidence of historic or prehistoric events, processes, institutions, design, construction, settlement patterns, or other facets of earlier cultures known or established to be important to knowledge or understanding of those cultures; or
  - (6) They represent a significant and distinguishable entity whose components may lack individual distinction.

802.2 Historic and prehistoric buildings, building interiors, structures, monuments, works of art or other similar objects, areas, places, sites, neighborhoods, networks, and historic landscapes listed in the Inventory of Historic Sites maintained by the Historic Preservation Review Board on the date of adoption of this chapter are historic landmarks or historic districts, unless it is subsequently determined that they do not meet the criteria set forth in §802.1.

802.3 Historic and prehistoric buildings, building interiors, structures, monuments, works of art or other similar objects, areas, places, sites, neighborhoods, networks, and historic landscapes that meet the criteria set forth in §802.1 shall also be considered to meet the criteria for listing in the National Register of Historic Places unless it is subsequently



determined by the Secretary of Interior that they do not meet those National Register criteria.

**803 POLICIES FOR IDENTIFYING AND RECOGNIZING HISTORIC PROPERTIES**

- 803.1 Properties meriting designation as historic landmarks and historic districts or listing in the National Register of Historic Places should be identified through comprehensive surveys that cover every aspect of the prehistory and history of the National Capital.
- 803.2 Priorities for surveys should be established that reflect the transcendent importance of some resources such as the L'Enfant and McMillan Plans, the endangered status of others, the fundamental responsibility of government to recognize and protect its own historic properties, and the need to encourage private preservation efforts.
- 803.3 Once an area, property, or group of properties has been comprehensively surveyed and the survey has been certified as comprehensive by the State Historic Preservation Officer, after having evaluated the survey to identify potential landmarks or historic districts, a moratorium should be placed on the filing of further applications for designation within the survey area that are inconsistent with the findings of the State Historic Preservation Officer. This moratorium shall not apply to an application by the owner of a property.
- 803.4 Completed surveys should be reevaluated periodically because properties that did not appear significant at the time of the original survey may, over time, be perceived to merit designation.
- 803.5 Owners, appropriate private organizations, and community and neighborhood associations are encouraged to participate in the survey process under the direction of the appropriate governmental agency.
- 803.6 All of those properties that appear to meet the criteria established by the Secretary of the Interior should be nominated to the National Register of Historic Places or should be requested to be determined eligible to the National Register of Historic Places.
- 803.7 Each historic property now carried in the Inventory of Historic Sites maintained by the Historic Preservation Review Board is believed to meet the designation criteria for historic landmarks and historic districts and is so designated unless it is subsequently determined that it does not meet the criteria in the same manner as provided for by formal designation.
- 803.8 Similarly, each historic property that meets the designation criteria for historic landmarks and historic districts is considered to meet the criteria for listing in the National Register of Historic Places unless the Secretary of the Interior subsequently

determines that it does not meet those criteria. This finding is based on the observation that the designation criteria are generally consistent with those applied by the National Register of Historic Places.

**804 GENERAL POLICIES FOR PROTECTION AND ENHANCEMENT OF HISTORIC PROPERTIES**

- 804.1 The federal and District governments should cooperatively do each of the following:
- (a) Provide leadership in the protection and enhancement of the important historic resources of the National Capital;
  - (b) Establish and sustain exemplary standards of property stewardship, design, and maintenance of all historic property under their ownership or control;
  - (c) Use, to the maximum extent feasible, historic properties available to them when acquiring, constructing, or leasing space for carrying out government responsibilities;
  - (d) Undertake whatever measures are necessary before disposing of historic properties to ensure their continued preservation;
  - (e) Increase their efforts to protect significant archeological resources;
  - (f) Provide sufficient administrative flexibility in building codes and other related codes and regulations to permit maximum preservation and protection of historic resources while still ensuring the health and safety of the public;
  - (g) Ensure that records relating to the construction, alteration, and demolition of historic properties or potential historic properties are retained for future use and reference;
  - (h) Ensure that actions that affect historic properties are reviewed for historic preservation impacts;
  - (i) Coordinate their plans and programs that affect historic resources of the National Capital;
  - (j) Develop standards and guidelines for the treatment and alteration of historic properties, as well as for the design of new buildings in the vicinity of those properties;
  - (k) Continue to protect the historic horizontal character of the National Capital by limiting building heights in accordance with An Act To regulate the height of

buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Code § 5-401 *et seq.*).

- (l) Adopt development controls and design review criteria that, for particular historic districts, reflect the existing valuable characteristics of all or part of the particular historic district;
- (m) Encourage direct private sector participation and initiatives in historic preservation by promoting existing preservation tools, eliminating existing incentives to replace resources, and developing new and effective preservation programs;
- (n) Foster broad community participation in the effort to protect and enhance historic properties in the National Capital and give maximum encouragement to organizations and individuals undertaking preservation by private means, particularly the financially disadvantaged;
- (o) Promote public education in the value of, and process for, preserving historic resources; and
- (p) Coordinate with affected local jurisdictions regarding historic resources at or near the boundaries of the District or that border on historic resources on federal lands in the region to ensure that mutual concerns are recognized and protection objectives are accomplished.

**805 SPECIFIC POLICIES FOR PROTECTION AND ENHANCEMENT OF HISTORIC PROPERTIES**

- 805.1 Every effort should be made to provide for the continued, appropriate use of all historic properties. If the original use or a reasonable intensification of the original use is no longer feasible, appropriate adaptive uses consistent with applicable land use regulations should be encouraged.
- 805.2 The distinguishing qualities or character of historic landscapes should be protected and enhanced.
- 805.3 Every effort should be made to minimize the adverse visual, physical, and noise impacts of motorized vehicles on historic property.
- 805.4 Within historic districts and particularly within the L'Enfant City, original street patterns should be preserved by maintaining public rights-of-way. Where alleys continue to provide adequate off-street service and transportation functions, they should be retained.

- 805.5 The squares, circles, and reservations, both large and small, in street space throughout the L'Enfant City should be retained and nurtured generally as green landscaped areas, providing oases for pedestrians, podia for statuary, and viewing platforms for the major vistas down L'Enfant streets and avenues.
- 805.6 The landscaped green space on publicly owned, privately maintained front and side yards in historic districts and on historic landmarks should be preserved. Special care should be taken to protect these historic green areas from being paved over for vehicular access and parking.
- 805.7 Publicly owned historic landscaped and historic open spaces, such as monument grounds, public building grounds, gardens, battlefields, forts, cemeteries, reservations, parks, and park systems, should be protected from unrelated and unnecessary construction that would adversely affect their integrity.
- 805.8 Open space traditionally associated with privately owned historic properties, such as yards, gardens, and large estate grounds, should be retained whenever possible. If additional development is permitted, sufficient open space should be retained to protect the essential integrity of the particular historic property and its sense of setting.
- 805.9 In historic districts the established form of development, as evidenced by lot-coverage limitations, yard requirements and other standards that contribute to the open space character and attractiveness of those districts, should be protected.
- 805.10 Applications for the demolition of buildings or structures that do not contribute to historic properties should be routinely approved.
- 805.11 Demolition of buildings or structures that contribute to historic properties should be permitted only when denial of permission would result in unreasonable economic hardship to the owner, or when demolition is necessary to permit the construction of a project of special merit. In instances where a project has been determined to be of special merit, if it is demonstrated that the replacement project will be initiated immediately and can be completed, demolition will be permitted to proceed.
- 805.12 The integrity of historic properties should be protected from demolition by neglect, purpose, or design through the use of appropriate enforcement tools.
- 805.13 When possible, deteriorated historic landmarks or buildings that contribute to historic districts should be repaired rather than demolished.
- 805.14 Historic buildings, whose significance is embodied in their sites and settings as well as in the buildings themselves, should be moved only when there is no feasible alternative for preservation. If an historic building must be moved, its new setting should complement its historic orientation, and previous sense of place and integrity. If the

relocated building is established on a new site that itself possesses historic significance, its presence should not adversely affect the significance of the new location.

- 805.15 The distinguishing original quality or character of historic properties should be protected. The removal or alteration of any historically valuable material or distinctive architectural features should be avoided when possible and kept to a minimum when required for continued use. The design of additions should be compatible with the height, scale, materials, color, texture, and character of the historic property.
- 805.16 New construction on historic landmarks or in historic districts should be compatible with the historical architectural character and cultural heritage of the landmark or district. In design, height, proportion, mass, configuration, building materials, texture, color, and location, new construction should complement these valuable features of the landmark or district, particularly features in the immediate vicinity to which the new construction will be visually related.
- 805.17 Archeological resources should be retained intact, where feasible. If preservation in place is not feasible or data anticipated to be recovered is judged to be of such significance that excavation is justified, the area of destruction, alteration or disturbance of a recognized archeological resource should be minimized and findings should be documented.
- 805.18 Each historic district shall have a zoning overlay if necessary to protect and enhance its distinctive characteristics of housing type, density, height, and uses. Such overlays shall be developed between the Office of Planning and the D.C. Historic Preservation Office.
- 805.19 Reduce the development pressure on churches, synagogues, and other places of worship which are designated as historic landmarks or are contributing buildings located in historic districts, by consideration of allowing them to transfer unused density (transferable development rights or "TDRs") to properties in the receiving zones designated as part of the Downtown Development District and to use the proceeds of the sale of the TDRs to help maintain the church or other place of worship in accordance with renovation and restoration plans approved by the Historic Preservation Review Board. Any funds remaining could be used to support the programs run by the church or other place of worship.
- 806 CRITERIA FOR DESIGNATING SPECIAL STREETS AND PLACES**
- 806.1 Avenues, streets, parkways, park roads, pedestrian ways, and other routes should be designated as special streets; and public squares, circles, plazas, grounds, gardens, and other urban spaces should be designated as special places if they possess one (1) or more of the following values or qualities:

- (a) They are historically significant as important components of the L'Enfant Plan, the McMillan Plan, an historic district or an historic landmark; or as scenes of important past public events or notable accomplishments in architecture and urban design;
- (b) They contribute to the design framework of the National Capital by defining the basic spatial organization of the District, such as an axial or diagonal avenue; or by providing special settings that emphasize or define major scenic or symbolic areas, such as outlooks, memorials, monumental buildings, or other civic art; or by serving as important connections, edges, or boundaries;
- (c) They embody or display a distinctive functional importance by providing amenities or settings that either serve as a focus for neighborhood and community activities or enhance opportunities for recreation and occasions for civic pageantry; or promoting a special sense of entrance to the National Capital; or serving as routes or areas for ceremonial cultural or governmental activities of the District or the nation; or
- (d) They have image qualities that establish unique or memorable impressions by focusing on a distinctive activity, unified streetscape, outstanding work of civic art, unique natural feature, or conspicuous historic landmark; or contribute to a complex of interconnected landscapes, architectural settings, or activity centers that display a distinctive coherence.

806.2 Master plans for federal properties in the National Capital Region outside of the District should identify areas as special streets or special places consistent with the criteria of §806.1.

806.3 Except as provided in §806.4, the network of special streets and places designated pursuant to §806.1 is depicted on the "Comprehensive Plan Special Streets and Places Map," which is attached to this element.

806.4 The network of special streets and places is amended by adding Georgia Avenue, N.W., between Harvard Street, N.W., and Eastern Avenue, N.W.

## 807 POLICIES FOR SPECIAL STREETS AND PLACES

807.1 Special streets and places should be maintained and enhanced in a manner that promotes their role as major features that help establish the images and the symbols of the National Capital in the minds of its residents and visitors. They should be embellished, when possible, with monuments, fountains, sculpture, gardens, distinctive buildings, and other features of civic art. These embellishments should be placed strategically to serve as frequent points of orientation and visual delight. To the extent practicable, public activities and buildings should be located and focused on the special streets and places.

- 807.2 The existing street space and the buildings fronting on special streets and places should be maintained, protected, and enhanced. Any repair, maintenance, improvement, or new building should respect the historic elements, enhance the aesthetic quality, and promote the amenity of this space.
- 807.3 Existing special places should be protected, enhanced, and strengthened. New special places should be created as new activity centers are developed or neighborhoods revitalized. Historic plans and their underlying principles should be used for guidance in planning major improvements. Civic art should be used to enrich such places and to establish their identity and image.
- 807.4 The exceptional width and openness of the street space along special streets should be retained where this quality exists. Street views or vistas should not be obscured and movement should not be impaired by structures or signs within the public rights-of-way.
- 807.5 The integrity of the form and design of streets and places, particularly those of historic significance, should be maintained and protected to the extent feasible and as warranted by safety requirements from unnecessary traffic channelization and from encroachment of new buildings into public space. The intersections of special streets should be carefully designed to reflect the importance of the junctures and to respect the historic plans.
- 807.6 The visual quality of special streets and places should be carefully controlled and coordinated by the selection and placement of signs, traffic signals, lighting, bus stops, and other elements of street furniture, as well as pavement patterns and materials that together should promote a harmonious, orderly, and safe streetscape. Parking areas, driveways, or service areas should be carefully controlled, located, and designed to avoid adverse impact.
- 807.7 Pedestrian usage of special streets and places should be encouraged by emphasizing extra width and other special amenities of sidewalks, where feasible. Areas should be provided for various types of leisure time activities as appropriate. Ground floor uses in buildings, attractive entrances, and outdoor activities that would enliven the street scene should be encouraged.
- 807.8 Landscape treatment of special streets and places should supplement and reinforce the "green city" or "city-in-a-park" character fostered by the National Capital's natural features, parks, public buildings, monuments, and memorials. High priority should be given to continuing maintenance and supplementing existing street trees, and providing trees and plantings as appropriate in special places.
- 807.9 The streetscape and treatment of buildings fronting on special streets should serve to connect visually special places with one another when possible, by creating lines of sight and continuity with street trees and plantings, by use of special paving materials, and by careful consideration of building height and massing.

- 807.10 Architecturally prominent buildings should be located in special streets and places to accentuate vistas, provide focal points, and mark entrances. The general height, roof lines, and massing of buildings should serve as a unified background for the public space in these special streets and places.

## **808 PUBLIC ACTION**

- 808.1 The public action objective is to ensure the designation, protection, and enhancement of District historic resources by providing sustained regulatory, enforcement, and financial leadership.
- 808.2 The Historic Preservation Review Board should amend its procedures for the designation of historic landmarks and historic districts to conform to the criteria set forth in §802.
- 808.3 The criteria set forth in §802 provide guidance for designating historic landmarks and historic districts.
- 808.4 The District and federal governments should provide guidance and leadership in undertaking a systematic and thorough District-wide historic resources survey program.
- 808.5 The District and federal governments should increase assistance to persons seeking to take advantage of the tax incentives provided by the federal government. Processing of applications for listing in the National Register of Historic Places should be accelerated. Technical assistance should be provided to owners who desire to rehabilitate historic properties pursuant to provisions of Tax Reform Act of 1986, approved October 22, 1986 (P.L. 99-514).
- 808.6 A map that depicts the location of historic districts and landmarks in the District shall be published by June 30, 1990, updated not less frequently than once every five (5) years, and be available for review in each public library of the District and for sale by the Office of Documents and Administrative Issuances.
- 808.7 In the preparation of master plans and project plans for public facilities and improvements, federal and District agencies should ensure that these plans are consistent with the goals and policies in the Preservation and Historic Features Element of the Comprehensive Plan for the National Capital.

## **899 DEFINITIONS**

- 899.1 The provisions of §199 of chapter 1 of this title and the definitions set forth in that section shall be incorporated by reference in this section.



**CHAPTER 9 COMPREHENSIVE PLAN: DOWNTOWN PLAN ELEMENT**

<b>Secs.</b>	
900	Declaration of Major Policies
901	Downtown Land Use
902	Retail Land Use
903	Residential Land Use
904	Hotel Land Use
905	Private Office Land Use
906	Arts, Cultural, and Entertainment Land Use
907	Other Downtown Land Uses
908	Urban Design
909	Street Orientation and Design
910	Design of Buildings
911	Historic Preservation
912	Transportation
913	Public Transit
914	Pedestrian Movement
915	Bicycle Movement
916	Automobile Access
917	Parking
918	Movement of Goods
919	Downtown Economic Development
920	Social Services
921	Health
922	Public Safety
923	Accessibility to Downtown and Visitor Services
924	Recreation
925	Downtown Retail Core
926	Gallery Place
927	Chinatown
928	Convention Center Area
929	Pennsylvania Avenue West
930	Pennsylvania Quarter
931	Franklin Square
932	Mount Vernon Square
933	Judiciary Square
934	Downtown East
935	Downtown Public Action
936	Downtown Management
937	Downtown Design Review
938	Downtown Streetscape
939	Public Action for Downtown Historic Preservation
940	Downtown Zoning and Other Land Use Controls
941	Downtown Taxation and Financing
942	Public Action for Downtown Transportation
943	Public Action for Downtown Economic and Employment Development
944	Downtown Public Improvements
945	Downtown Planning Process
999	Definitions

**900 DECLARATION OF MAJOR POLICIES**

- 900.1 Downtown is a key part of the District's Central Employment Area. Downtown, the original commercial area between the Capitol and the White House, is bound generally by North Capitol Street on the east, Pennsylvania Avenue on the south, 15th Street on the west, and Massachusetts Avenue on the north. This area is entirely within the northwest section of the District.

- 900.2 In May 1981, the Mayor's Downtown Committee was formed to make recommendations for achieving a "Living Downtown." Working closely with the Office of Planning, the committee recommended objectives and policies for land use, urban design, historic preservation, economic development, transportation, social programs, downtown subareas, and implementation.
- 900.3 The key land use concept for Downtown is a balanced mixture of uses to attract a variety of persons, such as District residents, suburban residents, and out-of-town visitors. The most important uses are retail, hotel, residential, and arts and culture. Although private office space will also be important, the concept of the "Living Downtown" recognizes that special efforts will be needed to attract the other desired uses.
- 900.4 Total retail space will increase only slightly but it should be more efficient and productive.
- (a) A general target of 5.7 million square feet of retail space has been established, up slightly from a base of 5.5 million square feet (target adopted 1984). The Interactive Downtown Task Force (1996) recommended an ultimate goal of 8-10 million square feet of total retail space, including a major component of retail/entertainment space.
  - (b) Retail uses should be concentrated in the Retail Core bounded by F and G Streets, N.W., between 9th and 15th Streets, N.W., in Chinatown, and at Gallery Place (the area around the National Portrait Gallery). In addition to the major retail concentrations, commercial activities will be located throughout Downtown. Retail uses should be targeted at the ground level of buildings, to focus activity on the street and encourage a healthy interaction among retail uses connected by pedestrian movements.
- 900.5 Demand for private office space in Downtown will increase as development in areas to the west is completed and market conditions improve. Office development will bring jobs and reinforce the regional importance of the Downtown. Office development Downtown shall be used to leverage the production of housing Downtown or affordable housing throughout the District of Columbia, including Downtown:
- (a) A general target of thirty-five million one hundred thousand square feet (35.1 million ft.<sup>2</sup>) of office space has been established, a significant increase from a base of thirteen million nine hundred thousand square feet (13.9 million ft.<sup>2</sup>). Office development Downtown shall be used to leverage the production of housing Downtown or affordable housing throughout the District of Columbia, including Downtown;
  - (b) Because market forces tend to favor office development over other uses, office development must be directed to ensure that the land use targets for retail, hotel, residential, and arts and cultural space are met. Office development Downtown shall be used to leverage the production of housing Downtown or affordable housing throughout the District of Columbia, including Downtown; and

- (c) Offices should be located throughout Downtown, with concentrations around Franklin and Judiciary Squares and in Downtown East (bound by 3rd and North Capitol Streets, and by Constitution, Louisiana, and Massachusetts Avenues, N.W.). Office development Downtown shall be used to leverage the production of housing Downtown or affordable housing throughout the District of Columbia, including Downtown.
- 900.6 Hotels are significant to the economy and human vitality of Downtown. New hotels are needed to create jobs and to help revitalize Downtown. A general target of eleven thousand (11,000) hotel rooms has been established.
- 900.7 A significant residential community is necessary to a vital Downtown. A general target of five thousand four hundred (5,400) residential units has been established, a significant increase from the base of one thousand eight hundred (1,800) units. There are housing opportunities north of Pennsylvania Avenue, N.W., with the major opportunities between 6th and 9th Streets, N.W., but with additional opportunities throughout Downtown. An increase to about six thousand seven hundred (6,700) Downtown residents is proposed. The Interactive Downtown Task Force (1996) recommended achieving at least 5,000 new housing units, partly in Downtown and partly in the area north of Massachusetts Avenue, N.W.
- 900.8 Museums, theaters, galleries, studios, and related restaurants and cafes attract residents and visitors by day and night. Space for the arts in Downtown should be increased:
- (a) The general target for public arts space calls for almost doubling existing space, from four hundred seventy thousand square feet (470,000 ft.<sup>2</sup>) to nine hundred thousand square feet (900,000 ft.<sup>2</sup>); and
- (b) Cultural and entertainment uses should be actively encouraged to remain and expand, particularly along 7th and E Streets, N.W., where the arts are already beginning to flourish.
- 900.9 Private institutions, including churches, the Young Women's Christian Association (YMCA), Georgetown Law School, and similar institutions are expected to remain, but without a major increase in space.
- 900.10 The urban design concepts of the element build upon the existing physical framework of Downtown, the major streets, diagonal avenues, and open spaces which were important components of the L'Enfant Plan. This basic form, unique to the District, provides a strong basis for organizing Downtown growth and redevelopment.
- 900.11 The physical center of Downtown is at Gallery Place, where the two (2) major Downtown corridors intersect. They are the 7th and 9th Streets, N.W., band linking the Archives Building to Mount Vernon Square; and the F and G Streets, N.W., band between the Treasury Building on the west and Union Station on the east. They are important